

भारत का राजपत्र The Gazette of India

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No. 10] NEW DELHI, SATURDAY, MARCH 5, 1966/PHALGUNA 14, 1887

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस NOTICE

नीचे लिखे भारत के असाधारण राजपत्र २३ फरवरी, १९६६ तक प्रकाशित किये गये।

The under-mentioned Gazettes of India Extraordinary were published up to the 23 February 1966:—

Issue No.	No. and Date	Issued by	Subject
45	S.O. 533, dated 16th February, 1966.	Ministry of merce.	Com- Cashew Kernels subject to quality control and inspection prior to export.
46	S.O. 534, dated 17th February, 1966.	Election Commission India.	Calling upon the elected members of the Legislative Assembly of Rajasthan to elect a person to fill a vacancy caused by the resignation of Shri Sawai Man Singh, in the Council of States.
	S.O. 535, dated 17th February, 1966.	Do.	Appointing dates etc. for the above election (S.O. 534).
	S.O. 536, dated 17th February, 1966.	Do.	Designating the Secretary, Rajasthan Legislative Assembly, Jaipur to be the Returning Officer for the above election (S.O. 534).
	S.O. 537, dated 17th February, 1966.	Do.	Appointing the Deputy Secretary, Rajasthan Legislative Assembly Jaipur to assist the Returning Officer for the above election (S.O. 534).

Issue No.	No. and Date	Issued by	Subject
	S.O. 538, dated 17th February, 1966.	Do.	Fixation of hours for the election referred to in S.O. 534.
47	S.O. 539, dated 21st February, 1966.	Ministry of Labour and Employment.	Award of the National Industrial Tribunal, New Delhi.
48	S.O. 540, dated 22nd February, 1966.	Ministry of Commerce	Amendments in the notification of the late Ministry of International Trade No. S.O. 3605, dated 30th December, 1963.
49	S.O. 610, dated 23rd February, 1966.	Delimitation Commission.	The Division of the Union Territory of Manipur into 2 single-member parliamentary constituencies and 30 single-member assembly constituencies and the delimitation thereof.
50	S.O. 611, dated 23rd February, 1966.	Do.	The division of the Union Territory of Tripura into 2 single member parliamentary constituencies and 30 single member assembly constituencies and the delimitation thereof.
51	S.O. 612, dated 23rd February, 1966.	Ministry of Information and Broadcasting.	Approval of the firms as specified therein.
52	S.O. 613, dated 23rd February, 1966.	Ministry of Irrigation and Power.	Appointing members of the Durgah Committee.
53	S.O. 614, dated 23rd February, 1966.	Cabinet Secretariat.	Amendments in the Government of India (Allocation of Business) Rules, 1961.

उपर लिखे असाधारण गजटों की प्रतियां प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर दी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुँच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II-खण्ड 3-उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षामंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ स्तर प्रशासन को छोड़कर) केंद्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 16th February 1966

S.O. 616.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950, and in supersession of its notification S.O. 302 (No. 154/9/65), dated the 19th January, 1966, published in

the Gazette of India, Part II-Section 3, Sub-section (ii), dated the 29th January, 1966, the Election Commission, in consultation with the Government of Mysore, hereby nominate Shri C. B. D'Mello as the Chief Electoral Officer for the State of Mysore with effect from the date he takes over charge and until further orders vice Shri H. Maharudraiah.

[No. 154/9/65.]

New Delhi, the 19th February 1966

S.O. 617.—In exercise of the powers conferred by section 21 and sub-section (1) of section 22 of the Representation of the People Act, 1951, the Election Commission hereby appoints, in respect of each of the Parliamentary constituencies in the Union Territory of Himachal Pradesh as determined by the Delimitation Commission in its Order No. 19, dated the 6th August, 1965, and specified in column 1 of the Table below:

- (a) the officer specified in the corresponding entry in column 2 of the said Table to be the Returning Officer; and
- (b) the officers specified in the corresponding entry in column 3 of the said Table to be the Assistant Returning Officers.

TABLE

Name of the Constituency	Returning Officer	Assistant Returning Officer
I	2	3
1. Chamba	Deputy Commissioner, Chamba	1. Deputy Commissioner, Mandi. 2. Revenue Assistant, Chamba.
2. Mandi	Deputy Commissioner, Mandi	1. Deputy Commissioner, Bilaspur. 2. Revenue Assistant, Mandi.
3. Mahasu	Deputy Commissioner, Mahasu	1. Deputy Commissioner, Kinnaur. 2. Deputy Commissioner, Mandi. 3. Revenue Assistant, Mahasu.
4. Sirmur	Deputy Commissioner, Sirmur	1. Deputy Commissioner, Mahasu. 2. Revenue Assistant, Sirmur.

[No. 434/HP/66.]

New Delhi, the 25th February 1966

S.O. 618.—In continuation of the Election Commission's notification No. 82/262/62, dated the 24th August, 1964, published in the Gazette of India, dated the 5th September, 1964, the Election Commission hereby publishes the judgment of the Supreme Court of India, delivered on the 8th February, 1966, in Civil Appeal No. 459 of 1965 filed by Shri Ranjit Singh against the order, dated the 14th July, 1964, of the High Court for the State of Punjab at Chandigarh.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. 459 of 1965

Appeal by Special Leave granted by this Court against the Judgment and Order dated the 14th July, 1964, of the Punjab High Court at Chandigarh in First Appeal from Order No. 1E of 1964.

S. Ranjit Singh son of S. B. Narain Singh, Cottage Sangrur—Appellant.

Versus

1. Pritam Singh son of Kishen Singh, Village Delhi Kalan, Tehsil & District Sangrur.
2. S. Prakash Singh s/o Bachan Singh Village Mirheri, Tehsil Malerkotla District Sangrur.
3. S. Dalip Singh s/o S. Attar Singh, Railway Road, Nabha
4. Shri Purshotam Lal son of Walaiti Ram of Dhuri, District Sangrur.
5. S. Wazir Singh Jaljee son of S. Harchand Singh Jaijee, Ward No. 4, 3, Bridges, Simla.
6. S. Ujagar Singh son of Shyam Singh, Village and Post Office Chuck Bhai Kot, Tehsil Barnala, District Sangrur.

Respondents.

8th February, 1966.

Coram:

Hon'ble the Chief Justice
 Hon'ble Mr. Justice K. N. Wanchoo.
 Hon'ble Mr. Justice J. C. Shah.
 Hon'ble Mr. Justice S. M. Sikri.
 Hon'ble Mr. Justice V. Ramaswami.

For the Appellant: Mr. Bishan Narain, Senior Advocate (M/S. J. B. Dadachanji, O. C. Mathur & Ravinder Narain, Advocates, with him).

For Respondent No. 1: Mr. S. S. Shukla, Advocate.

The Appeal above-mentioned being called on for hearing before this Court on the 25th day of January, 1966, UPON hearing Counsel for the Appellant and Counsel for Respondent No. 1 Respondents Nos. 2—6 not appearing though served and the appeal having been set down ex-parte as against the said Respondents THIS COURT took time to consider its Judgment AND the said Appeal being called on for Judgment on the 8th day of February, 1966 THIS COURT in allowing the Appeal DOTH ORDER: (1) THAT the Order dated the 14th July, 1964 of the Punjab High Court at Chandigarh in First Appeal from Order No. 1E of 1964 be and the same is hereby set aside AND in place thereof an Order dismissing the Election Petition No. 262 of 1962 filed by the Respondent No. 1 herein in the Election Tribunal Patiala be and the same is hereby substituted (2) THAT Respondent No. 1 herein DO pay to the Appellant herein the costs of the Appeal incurred by him in this Court as well as the costs thereof incurred in the High Court (3) THAT the said costs incurred by the Appellant in this Court be taxed by the Taxing Officer of this Court AND THIS COURT DOTH FURTHER ORDER that this ORDER be punctually observed and carried into execution by all concerned.

WITNESS the Hon'ble Mr. Prahlad Balacharya Gajendragadkar, Chief Justice of India at the Supreme Court, New Delhi, the 8th day of February, 1966.

(Sd.) GURU DATTA,
 Dy. Registrar.

Advocates on Record.

For the Appellant: M/s. J. B. Dadachanji and Co.

For the Respondent: Mr. S. S. Shukla.

IN THE SUPREME COURT OF INDIA

C.A. 459 of 1965

Ranjit Singh—Appellant.

Versus

Pritam Singh and Others—Respondents.

JUDGMENT

WANCHOO, J.—This is an appeal by special leave from the judgment of the Punjab High Court. In the general election held in 1962 for Parliament (House

of the People), the Appellant was elected from the Sangrur parliamentary constituency. Pritam Singh respondent was also one of the contesting candidates but lost in the election. Thereupon he filed an election petition against the appellant challenging his election on a number of grounds. In the present appeal we are only concerned with one ground, and that was that the nomination papers of one of the candidates for the election, namely, Wazir Singh, had been rejected improperly by the returning officer. Wazir Singh had filed three nomination papers; with one of them he had attached a copy of a part of the electoral roll. He attached no such copy with the other two nomination papers. When the nomination papers were being scrutinised, an objection was taken to the validity of the nomination papers. The returning officer first took up the nomination paper with which a copy of part of the roll had been filed and rejected it on the ground that the name of the parliamentary constituency and the name of the village and the assembly constituency and the part number of the electoral roll of the candidate was not mentioned and also because the name of the parliamentary constituency (House of the People) of the proposer was not given. After rejecting this nomination paper, the returning officer took up the other two nomination papers and rejected them on the ground that a copy of the electoral rolls of the constituency concerned or of the relevant part thereof or a certified copy of the relevant entries had not been filed along with these nomination papers. It may be added that the returning officer refused to look into the copy of the part of the roll which Wazir Singh had filed along with his nomination paper which the returning officer had already rejected before he took up the other nomination papers.

The main contention of respondent Pritam Singh in the election petition was that the returning officer was wrong in not looking into the copy of the part of the roll which had been filed with the first nomination paper of Wazir Singh and that merely because that nomination paper had been rejected, the returning officer was not precluded from looking into the copy of the part of the roll which had been produced with that nomination paper for the purpose of scrutiny of the other two nomination papers. The appellant on the other hand contended that the nomination papers had been rightly rejected, and this contention was based on three points raised on his behalf, namely—(i) that a copy of the electoral roll of that constituency or a relevant part thereof or a certified copy of the relevant entries of such roll should have been produced with each nomination paper separately; (ii) in any case the copy produced should have been of the parliamentary constituency and not of the assembly constituency; and (iii) that the copy produced of the part of the roll was not a complete copy of the part and therefore was not a compliance with the requirements of s. 33(5) of the Representation of the People Act, No. 43 of 1951, (hereinafter referred to as the Act).

The Election Tribunal seems to have taken the view that the copy filed along with the first nomination paper could not be looked into when the returning officer came to scrutinise the other nomination papers, even if it might be assumed to be a copy of the parliamentary electoral roll. It further held that even if the copy could be looked into, it was not a complete copy and therefore there was no compliance with s. 33(5) of the Act and in consequence the Tribunal held that the returning officer was justified in rejecting the nomination papers notwithstanding the provisions of s. 36(4) of the Act.

Pritam Singh then went in appeal to the High Court. The High Court held that the returning officer was wrong in not looking into the copy which had been produced along with the first nomination paper, and that the copy produced, though it was apparently of an assembly constituency, could also be taken to be a copy of the parliamentary roll. Lastly on the question whether the copy produced was a complete copy or not, the High Court held that the copy actually produced though it admittedly did not contain certain pages, was sufficient for the purposes of s. 33(5) of the Act. In this view, the High Court held that one of the nomination papers of Wazir Singh was improperly rejected and in consequence of that the result of the election was materially affected. It therefore set aside the election. The High Court having refused to grant a certificate, the appellant applied to this Court for special leave which was granted, and that is how the matter has come before us.

The same three points which were urged before the Tribunal on behalf of the appellant have been raised before us. In the first place it is urged that the necessary copy required under s. 33(5) of the Act must be produced with every nomination paper, and that it is not enough where more nomination papers than one are filed that a copy should have been filed with only one of them. Secondly, it is urged that the copy produced was of the assembly constituency while it

should have been of the parliamentary (House of the People) constituency. Lastly the argument is that in any case the copy produced was not complete and therefore there was no compliance with s. 33(5) of the Act. The returning officer therefore was justified in rejecting the nomination paper under s. 36(2)(b) of the Act and that s. 36(4) did not apply in the circumstances of the case. We shall deal with these points *seriatim*.

Section 32 at the relevant time provided that "any person may be nominated as a candidate for election to fill a seat if he is qualified to be chosen to fill that seat under the provisions of the Constitution and this Act." Section 4(d) of the Act requires that in the case of any other seat for the House of the People besides those mentioned in cls. (a), (b) and (c) of that section, a person has to be an elector for any parliamentary constituency (House of the People) to be entitled to stand for election to the House of the People. It is with this qualification alone that we are concerned in the present appeal. "Elector" is defined in s. 2(e) of the Act as meaning "in relation to a constituency a person whose name is entered in the electoral roll of that constituency for the time being in force and who is not subject to any of the disqualifications mentioned in section 16 of the Representation of the People Act, 1950." Therefore if a person is an elector in a parliamentary (House of the People) constituency and is not subject to any disqualification he can stand for election to the House of the People from any constituency.

Then we come to s. 33(5). The object of this provision obviously is to enable the returning officer to check whether the person standing for election is qualified for the purpose. The electoral roll of the constituency for which the returning officer is making scrutiny would be with him, and it is not necessary for a candidate to produce the copy of the roll of that constituency. But where the candidate belongs to another constituency, the returning officer would not have the roll of that other constituency with him and therefore the provision contained in s. 33(5) has been made by the legislature to enable the returning officer to check that the candidate is qualified for standing for election. For that purpose the candidate is given the choice either to produce a copy of the electoral roll of that other constituency, or of the relevant part thereof or of a certified copy of the relevant entries in such roll before the returning officer at the time of the scrutiny, if he has not already filed such copy with the nomination paper. Naturally where the candidate is standing for a parliamentary constituency (House of the People) he will have to file a copy of the roll of some parliamentary constituency. The argument on behalf of the appellant is that under the proviso to s. 33(6) a candidate is entitled to file upto four nomination papers and therefore when s. 33(5) says that a copy would be filed with the nomination paper it requires that one copy should be filed with each nomination paper and if that has not been done there is no compliance with s. 33(5). Section 33(5) does not require that a copy must be filed with each nomination paper, for the candidate is given the alternative to produce before the returning officer such copy at the time of the scrutiny. So the candidate need not file any copy with the nomination paper and it is enough if he has a copy in his possession which he produces before the returning officer at the time of the scrutiny. Further there is nothing in s. 33(5) which requires that if a candidate has (say) filed four nomination papers he should have four copies with him to produce before the returning officer at the time of the scrutiny. It would in our opinion be enough if he has one copy with him at the time of the scrutiny and shows it again and again as each nomination paper is taken up for scrutiny by the returning officer. We see no sense in holding that in such a situation the candidate should arm himself with four copies for the purpose of showing the copy to the returning officer at the time of scrutiny. The same copy in our opinion can be produced again and again before the returning officer as he takes up the scrutiny of each of the nomination papers filed on behalf of a candidate. If that is so we see no difficulty in holding that where a number of nomination papers have been filed and a copy has been filed with one of them, that is enough. Again we see nothing in s. 33(5) which prevents a returning officer from looking at the copy filed with one nomination paper, even after that nomination paper has been rejected or with a nomination paper which is pending before him for scrutiny, when he comes to deal with other nomination papers. As we have said before the purpose of filing the copy is to ensure that the returning officer is able to check whether the candidate concerned is qualified or not and that purpose would be effectively served even if only one copy is filed with one nomination paper and no copies are filed with the other nomination papers. It may be that for certain purposes each nomination paper stands by itself; but so far as filing of a copy with a nomination paper under s. 33(5) is concerned, we must look at the object behind the provision, and if that object is served by filing a copy with one nomination paper,

we see no sense in requiring that where a number of nomination papers are filed there should be a copy with each nomination paper. There is nothing in s. 33(5) which prevents the returning officer from looking at a copy filed with a nomination paper which has been rejected or which is still to be scrutinised for the purpose of satisfying himself when he takes up the other nomination papers that the candidate is qualified to stand. Nor has any rule been shown to us which in terms prevents the returning officer from looking into a copy which has been filed with a nomination paper (which might have already been rejected) for the purpose of scrutinising other nomination papers of the same candidate. If the purpose of s. 33(5) can be served by the production of one copy at the time of scrutiny when it has not been filed with the nomination paper, we do not see why that purpose could not be served by filing a copy with one nomination paper where more nomination papers than one have been filed by the same candidate. We therefore agree with the High Court that the returning officer was wrong in not looking at the copy filed with one nomination paper when he was dealing with other nomination papers of Wazir Singh.

This brings us to the second point raised before us, namely, that the copy filed was not of the parliamentary (House of the People) constituency but of the assembly constituency. This contention also has no force. If we look at the Representation of the People Act, 1950 we find that Part III thereof provides for the preparation of electoral rolls for assembly constituencies. So far as parliamentary constituencies (House of the People) are concerned, s. 130 provides *inter alia* that the electoral roll for every parliamentary constituency shall consist of the electoral rolls of so much of the assembly constituencies as are comprised within that parliamentary constituency; and it shall not be necessary to prepare or revise separately the electoral roll for any such parliamentary constituency. It is clear therefore that the electoral roll for a parliamentary constituency is no other than the electoral roll, for the assembly constituencies comprised within that parliamentary constituency. It is not in dispute that the electoral roll for a parliamentary constituency is made up by stitching together the electoral rolls of the assembly constituencies comprised therein. Therefore if a candidate files a copy of the electoral roll of an assembly constituency, that copy is sufficient to show that he is an elector in the parliamentary constituency in which that assembly constituency is included. The argument that the copy filed in the present case did not comply with s. 33(5) as it was not a copy of the parliamentary constituency must therefore fail. The copy was of an assembly constituency in this case, and if the candidate was an elector in the assembly constituency he would be an elector in the parliamentary (House of the People) constituency which includes that assembly constituency. The High Court therefore was right in rejecting the contention that the copy of the roll of the parliamentary (House of the People) constituency was not filed.

This brings us to the last point raised on behalf of the appellant, namely, that the copy filed was not a complete copy and therefore there was no compliance with s. 33(5) of the Act. It is not in dispute that the copy filed was not a complete copy. The appellant produced a complete copy of that part of the roll and that showed that pages 19 to 22 and page 25 of that part of the roll were not filed by Wazir Singh. Now s. 33(5) gives three options to a candidate in the matter of filing a copy. He may file either a copy of the electoral roll which means a copy of the entire electoral roll of the parliamentary (House of the People) constituency, or a copy of the relevant parts thereof, which means the whole of the parts concerned. Under the Registration of Electors Rules, 1960 (hereinafter referred to as the Rules), it is provided by r. 5 that "the roll shall be divided into convenient parts which shall be numbered consecutively". Therefore when s. 33(5) refers to a copy of the relevant parts thereof, it means a part as defined in r. 5 above. Besides these two alternatives, a candidate has a third alternative, namely, the production of certified copies of the entries of his name and the name of the proposer from any roll. In the present case, the candidate Wazir Singh chose the second alternative, namely, he produced a copy of the relevant part thereof. The part in question produced in this case was part IV of the Simla legislative assembly electoral roll. Section 33(5) therefore required the candidate (namely, Wazir Singh) to produce the whole of this part. It is not in dispute that he did not produce the whole of this part and the question is whether his failure to do so would result in the rejection of his nomination paper.

To decide this question it is necessary to refer to the Rules. Rule 10 requires that "as soon as the roll for a constituency is ready, the registration officer shall

publish it in draft by making a copy thereof available for inspection and displaying a notice in form 5". Under r. 11, the registration officer is required to give further publicity to the roll and to the notice in form 5. Thereafter r. 12 provides for claims for the inclusion of a name in the roll and objections to an entry therein. After such claims and objections have been made, the registration officer has to consider them under r. 18. Under r. 19, he gives a hearing if necessary and thereafter he orders the inclusion of names in the roll or exclusion of names from the roll under r. 20. Then under r. 22, the registration officer has to prepare a list of amendments to carry out his decisions under rr. 18, 20 and 21 and he may correct any clerical or printing errors or other inaccuracies subsequently discovered in the roll. He then publishes the roll together with the list of amendments by making a complete copy thereof available for inspection, and displaying a notice in form 16. On such publication the roll together with the list of amendments shall be the electoral roll of the constituency.

The scheme of these rules therefore is that a draft is first prepared. Thereafter claims and objections are disposed of. If any claim is admitted, the name is included in the roll; if any objection is allowed, the name already in the draft roll (or may be in an earlier amendment) is deleted. This inclusion or deletion is made by publishing amendments to the roll and thereafter the draft roll along with one or more amendments becomes the electoral roll of the constituency. It will be seen from this that where a name is excluded on an objection being allowed, the name is not scored out. What the rule provides is that deletion of a name from a draft or even from an earlier amendment made by inclusion by the registration officer, is included in the list of amendments published. Under r. 23, an appeal is allowed from any decision of the registration officer including a name or excluding a name; so that where the registration officer includes a name after hearing a claim that is subject to an appeal and the appellate officer may reject the claim whereupon the amendment made by the registration officer by including a name may fall through. Under sub-r. (5) of r. 23 of the Rules, the registration officer is given power to cause such amendments to be made in the roll as may be necessary to give effect to the decisions of the appellate officer. This shows that when s. 33 (5) requires that a copy of the relevant part of the roll may be filed or produced the copy is to be a complete copy along with all amendments, for it may be that even though a name may be included in the first amendment by the registration officer it may be excluded in the second amendment if the appellate officer has rejected the claim.

We have already said that the object of producing the copy under s. 33 (5) is to enable the returning officer to check whether the candidate and the proposer are qualified or not, one for the purpose of standing and the other for the purpose of proposing. In order to check this, the returning officer must have a complete copy of the relevant part. If the copy is not a complete copy it is possible that a name which may have been included in the draft or in the first amendment may have been excluded in the second amendment made on the basis of an order of the appellate officer. Therefore to enable the returning officer to decide whether a candidate is qualified to stand or whether a proposer is qualified to propose he must have a complete copy of the relevant part of the roll. If he has not a complete copy he will not be able to decide whether the candidate or the proposer has the necessary qualification. In the present case it is not in dispute that Wazir Singh did not produce a complete copy of part IV of the roll. Part IV consisted of 25 pages; of these Wazir Singh did not produce pages 19 to 22 and page 25. Page 25 as appears from the complete copy of the roll filed by the appellant contained a second list of amendments. It is true that Wazir Singh's name did appear in the first amendment at No. 1853; but that as we have already shown was not conclusive, for the second amendment which was not produced might have deleted that name. Therefore the copy produced by Wazir Singh not being complete was not sufficient to enable the returning officer to decide whether he was qualified to stand or not for his name might have been deleted in the second list of amendments in which case he would not have been qualified. It is true that in actual fact it appears from the copy which was produced by the appellant before the Tribunal that Wazir Singh's name was not deleted in the second list of amendments; but that appears from the copy produced by the appellant before the Tribunal and not from the copy produced by Wazir Singh before the returning officer. Section 33(5) requires that it is the copy produced by the candidate which should show whether he is qualified or not and for that purpose a copy produced by the candidate should be complete whether it is of the roll or of the relevant part thereof. To such a case s. 36(4) has no application. That provision is to the effect that the returning officer shall

not reject any nomination paper on the ground of any effect which is not of a substantial character. But the non-production of a complete copy of the relevant part in our opinion is a defect of a substantial character for it makes it impossible for the returning officer to decide whether the candidate is qualified or not. Qualification for standing for election is a matter of substantial character. We are therefore of opinion that the High Court was not right in the view it took that the production of an incomplete copy of the relevant part was not a defect of a substantial character which would make the nomination paper liable to be rejected. The fact that the returning officer rejected the nomination paper on some other ground is of no consequence. If there was in truth a defect of a substantial character in the matter of compliance with s. 33 of the Act, the nomination paper was liable to be rejected, and if it was so rejected, rejection would be proper whatever may have been the reason given by the returning officer. In the present case we are of the opinion that the production of a copy of the electoral roll which is incomplete is a defect of a substantial character. This defect will invalidate all the nomination papers. The nomination papers of Wazir Singh were rightly rejected by the returning officer, though he gave different reasons for doing so.

The appeal therefore succeeds and is hereby allowed with costs. The election petition is dismissed. Pritam Singh respondent will pay the costs.

(Sd.) P. B. GAJENDRAGADKAR, C.J.

(Sd.) K. N. WANCHOO, J.

(Sd.) J. C. SHAH, J.

(Sd.) S. M. SIKRI, J.

(Sd.) V. RAMASWAMI, J.

February 8, 1966.

[No. 82/262/62.]

By Order,

PRAKASH NARAIN, Secy.

MINISTRY OF LAW

(Department of Legal Affairs)

New Delhi, the 24th February 1968

S.O. 619.—In exercise of the powers conferred by rule 1 of order XXVII of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908), the Central Government hereby makes the following further amendments in the notification of the Government of India in the Ministry of Law, No. S.R.O. 351 dated the 25th January, 1958 relating to signing and verification of plaints and written statements in suits in any court of civil jurisdiction by or against the Central Government namely:—

In the Schedule to the said notification under the heading 'XXI—MISCELLANEOUS', for the entry "Adviser to the Governor of Assam", the following entry shall be inserted namely:—

"Secretary, General Administration, North East Frontier Agency".

[No. F. 16(1)/65-J.]

G. H. RAJADHYAKSHA, Addl. Secy.

(Department of Company Affairs)**CHARTERED ACCOUNTANTS***New Delhi, the 26th February 1966*

S.O. 620.—In pursuance of clause (iv) of sub-section (1) of section 4 of the Chartered Accountants Act, 1949 (38 of 1949), the Central Government hereby makes the following amendments in the notification of the Government of India in the late Ministry of Commerce and Industry, Department of Company Law Administration No. S.O. 1577 dated the 27th June, 1961, namely:—

In paragraphs A(2)(b), B(1)(a) and B(2)(b) of the said notification, for the words "public companies", the words "public or private companies" shall be substituted.

[No. 7(20)/64-IGC.]

C. R. D. MENON, Under Secy.

MINISTRY OF HOME AFFAIRS*New Delhi, the 24th February 1966*

S.O. 621.—In exercise of the powers conferred by section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby further extends upto the 30th April, 1966, the period of time within which the Commission of Inquiry appointed by the Government of India in the Ministry of Home Affairs, by notification No. S.O. 173, dated the 8th January, 1965, shall complete the Inquiry into the matters specified in the notification mentioned above and report to the Central Government.

[No. F. 9/28/64-T(Pt. XIV).]

B. S. RAGHAVAN, Dy. Secy.

MINISTRY OF FINANCE**(Department of Expenditure)***New Delhi, the 21st February 1966*

S.O. 622.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, the President, after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, hereby directs that the Central (Class IV) Services (Gratuity, Pension and Retirement) Rules, 1936, shall cease to be in force except as respects things done or omitted to be done before such ceaser.

[No. 12(9)-E.V(B)/65.]

S.O. 623.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following amendment in the rules regulating the Workmen's Contributory Provident Fund as instituted with the Government of India, late Finance Department Resolution No. F. 33 (3)-R. II/44, dated the 16th April, 1945 namely:—

In paragraph 1 of the said Resolution, after entry (xi), the following entry shall be inserted and shall be deemed to have been inserted with effect from 1st day of March, 1965 namely:—

"(xii) Temporary Industrial Workmen of the Security Paper Mill Project, Hoshangabad."

[No. 31(1)-E.V(B)/65.]

C. K. SUBRAMANIAN, Under Secy.

(Department of Economic Affairs)

New Delhi, the 24th February 1966

S.O. 624.—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Punjab Co-operative Bank Ltd., Amritsar, in respect of the properties (comprising three houses and two shops) held by it at Rupar, District Ambala, Punjab, till the 3rd January 1967.

[No. 15(29)-BC/65.]

V. SWAMINATHAN, Under Secy.

(Department of Economic Affairs)

New Delhi, the 25th February 1966

S.O. 625.—Statement of the Affairs of the Reserve Bank of India as on the 18th February, 1966

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid up	5,00,00,000	Notes	16,07,30,000
		Rupee Coin	3,93,000
Reserve Fund	80,00,00,000	Small Coin	4,77,000
National Agricultural Credit (Long Term Operations) Fund . . .	100,00,00,000	Bills Purchased and Discounted:—	
		(a) Internal
		(b) External
National Agricultural Credit (Stabilisation) Fund	10,00,00,000	(c) Government Treasury Bills	33,96,94,000
National Industrial Credit (Long Term Operations) Fund	15,00,00,000	Balances held Abroad*	10,41,24,000
		Investments**	192,79,48,000
		Loans and Advances to:—	
		(i) Central Government
		(ii) State Governments@	158,51,37,000

Deposits :—

(a) Government :—

(i) Central Government 54,13,83,000

(ii) State Governments 9,55,90,000

(b) Banks :—

(i) Scheduled Banks 104,78,35,000

(ii) State Co-operative Banks 3,20,30,000

(iii) Other Banks 2,62,000

(c) Others 212,06,65,000

Bills Payable 26,29,43,000

Other Liabilities 86,87,49,000

Rupees 706,94,57,000

Loans and Advances to :—

(i) Scheduled Banks† 37,15,95,000

(ii) State Co-operative Banks†† 164,51,24,000

(iii) Others 1,78,34,000

Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—

(a) Loans and Advances to :—

(i) State Governments 29,28,00,000

(ii) State Co-operative Banks 12,14,90,000

(iii) Central Land Mortgage Banks

(b) Investment in Central Land Mortgage Bank Debentures 5,47,77,000

Loans and Advances from National Agricultural Credit (Stabilisation) Fund—

Loans and Advances to State Co-operative Banks

Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—

(a) Loans and Advances to the Development Bank 3,08,87,000

(b) Investment in Bonds/debentures issued by the Development Bank

Other Assets 41,64,47,000

Rupees 706,94,57,000

*Includes Cash and Short-term Securities.

**Excluding investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. NIL advanced to scheduled banks against usance bills under section 17(4)(c) of the R. B. I. Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 23rd day of February, 1966.

An account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 18th day of February, 1966
ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	16,07,30,000		Gold Coin and Bullion :—		
Notes in circulation	2826,90,73,000		(a) Held in India	133,75,66,000	
Total Notes issued		2842,98,03,000	(b) Held outside India	..	
			Foreign Securities	85,05,24,000	
			TOTAL		218,80,90,000
			Rupee Coin		95,76,23,000
			Government of India Rupee Securities		2528,40,90,000
			Internal Bills of Exchange and other commercial paper		..
TOTAL LIABILITIES		2842,98,03,000	TOTAL ASSETS		2842,98,03,000

Dated the 23rd day of February, 1966.

P. C. BHATTACHARYYA,
Governor.

[No. F. 33-BC/66.]

R. K. SESHADRI, Director (Banking).

CORRIGENDUM

In the statement of the Affairs of the Reserve Bank of India, Banking Department as on 7th January, 1966, appearing on pages 211—213 of Part II—Section 3(ii) of the Gazette of India, dated 22nd January, 1966, the figure against "Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—(a) Loans and Advances to—(ii) State Co-operative Banks" on the Assets side should read as 12,79,60,000.

The date appearing at the end of the above statement as well as at the end of the statement pertaining to the Issue Department should read as "13th day of January, 1966."

In the statement of the Affairs of the Reserve Bank of India, Banking Department as on the 14th January, 1966, published on pages 257—9, Part II, Section (3)(ii) of the Gazette of India, dated 29th January, 1966, the figure against "Bills Purchased and Discounted—(c)—Government Treasury Bills" on the Assets side should read as 87,89,07,000.

The words against item (ii) of "Deposits—(b)—Banks" on the Liabilities side should read as State Co-operative Banks.

(Department of Economic Affairs)

(Office of the Controller of Capital Issues)

New Delhi, the 22nd February 1966

S.O. 626.—In exercise of the powers conferred by Section 11 of the Capital Issues (Control) Act, 1947 (29 of 1947) and in supersession of the Notification of the Government of India in the Ministry of Finance, Department of Economic Affairs, S.O. 2297 dated the 17th July, 1965, the Central Government hereby re-constitutes the Advisory Committee on Capital Issues Control consisting of the following members:—

1. Shri G. L. Mehta.
2. Shri Babubhai M. Chinai, M.P.
3. Shri C. C. Chokshi.
4. Mr. D. Fordwood.
5. Shri N. Dandekar, M.P.

Shri G. L. Mehta shall be the Chairman of the Advisory Committee.

2. The Advisory Committee shall have a tenure of two years.

[No. F. 16(2)-CA/66.]

S. S. SHIRALKAR, Addl. Secy.

(Department of Revenue & Insurance)

ESTATE DUTY

New Delhi, the 25th February 1966

S.O. 627.—The Central Government hereby renews the appointment of the undermentioned Valuers whose names were previously published as S.O. 540 in Part II, Section 3(ii) of the Gazette of India, dated the 2nd March, 1963 for a further period of five years with effect from the 19th February, 1966.

2. The scale of charges for the remuneration of Valuers appointed by the Central Government for valuing any property shall be as fixed below and no such Valuer shall charge a fee at a scale higher than the scale so fixed:—

Provided that where two or more properties are required to be valued—

- (i) by a Committee of Arbitration or by a third Valuer in pursuance of a single order, or
- (ii) by a Valuer, in pursuance of a single reference made by a Controller of Estate Duty or at the instance of an accountable person,

all such properties shall be deemed to constitute a single unit of property for the purposes of fixing the fee payable to the Committee or the Valuer, as the case may be:

Provided further that where the same property or properties required to be valued by the same Committee of Arbitration or, as the case may be, by the same Valuer, is or are common to more than one case and the valuation relates to the same date, the Committee of Arbitration or the Valuer shall be entitled to charge fees at the scale fixed below only in one case and in the remaining case or cases the said Committee of Arbitration or Valuer shall be entitled to charge fees not exceeding rupees one hundred per case.

Scale of Charges

On the first Rs. 50,000/- of the property so valued. $\frac{1}{2}\%$ of the value.

On the next Rs. 1,00,000/- of the property so valued $\frac{1}{4}\%$ of the value.

On the balance of the property so valued $1/8\%$ of the value.

3. Notwithstanding anything contained in paragraph 2, the remuneration payable to a Valuer shall in no case be less than rupees fifty.

APPENDIX

Sl. No.	Name	Address
<i>I—Engineers/Surveyors/Architects</i>		
1	Shri Lakshman Swarup, M.I.E., Civil Engineer.	189, Saket, Meerut.
2	Shri Menon, C.S, B.A., B.E. (Civil)	Kailas, Wariam Road, Ernakulam--6.
3	Shri Menon, N. Achutha, M.I.E., Mechanical Engr.	Dwarka, No.1, Dewan Bahadur Road, Coimbatore-2.
4	Shri Shah, D.P., B.E.(Civil), A.M.I.E.	5, Shree Niwas, Plot No. 18, Mancklal Estate, Agra Road, Ghatkopar, Bombay-77.
5	Shri Vankatakrishnaiah, D., B.A., B.E. (Civil), A.M.I.E. (Ind.) A.R.I.C.S., M.I.S.	18(1), Ranga Rao Road, Shankarapura m Bangalore.
<i>II—Accountants</i>		
1	Shri Amin, Y.C., F.C.A.	C/o, M/S Dalal & Shah, Chartered Accountants, 49-55, Apollo Street, Fort, Bombay.
2	Shri Damania, H.M., M.Com., F.C.A.	C/o. Kapadia Damania & Co., Chartered Accountants, Agakhan Building, Dalal Street, Fort, Bombay.
3	Shri Talati, H.M., B.A., LL.B., F.C.A.	C/o. M/S C. C. Chokshi & Co., Chartered Accountants, Bank of Baroda Building, 4th Floor, Opposite Fuvara, Gandhi Road, Ahmedabad.
<i>III—Specialist in Coffee Plantation</i>		
1	Shri Sreekantiah, M.S.	Sreevilas Estate, Makonahalli P.O., Chikamagalur District.
<i>IV—Specialist in Agriculture & farm Valuation</i>		
1	Shri M. Narayana Murthy, B.A.	2705-3, Yadavagiri Extension, Mysore-2.

[No. 2/F.No. 5/110/65-E.D.]

G. R. HEGDE Dy. Secy .

(Department of Revenue and Insurance)

CUSTOMS

New Delhi, the 5th March 1966

S.O. 628.—In exercise of the powers conferred by clause (d) of section 7 read with sub-section (3) of section 180 of the Customs Act, 1962 (52 of 1962), the Central Government hereby makes the following amendment in the Schedule to the notification of the Government of India in the late Central Board of Revenue No. 31—Customs dated the 2nd April, 1960, namely:—

In the Schedule to the said notification the following shall be omitted:

“Sorath Iamba (with its sub-port Mlyan)”.

[No. 37/F.No. 14/4/66-LC.II.]

G. P. DURAIRAJ, Dy. Secy.

ERRATUM

In the Ministry of Finance (Department of Revenue) notification No. 24 Customs, dated 5th February, 1966, published as S.O. 437 in the Gazette of India, Part II, Section 3, sub-section (ii), dated 12th February, 1966, the following correction may be made:—

In the 4th line of the notification for “(27)” read “(2)”.

CENTRAL BOARD OF DIRECT TAXES**CORRIGENDUM***New Delhi, the 28th February 1966*

S.O. 629.—In the Board's Notification No. 12—Income-tax, dated the 14th January, 1966 published in Part II Section 3(ii) of the Gazette of India as S.O. No. 272 dated 22nd January 1966 against ‘S’ Range, Calcutta for S. No. 2 “Special Survey Circle-IX” read “Special Survey Circle—IX (newly created)”

[No. 26(F.No. 50/7/66-ITJ).]

P. G. GANDHI, Under Secy.

MINISTRY OF MINES & METALS*New Delhi, the 19th February 1966*

S.O. 630.—Whereas by the notification of the Government of India in the Ministry of Mines and Fuel S.O. 844 dated the 14th March, 1963, under-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to prospect for coal in 23702.00 acres (approximately) or 9599.31 hectares (approximately) of lands in the locality specified in the Schedule appended by the notification;

And whereas by the notification of the Government of India in the Ministry of Mines and Fuel S.O. 859 dated the 8th March, 1965 under sub-section (1) of Section 7 of the said Act, notice was issued specifying a further period of one year commencing from the 14th March, 1965 as the period within which the Central Government may give notice of its intention to acquire the lands or of any rights in or over such lands, in respect of the land measuring 21309.00 acres (approximately) or 8630.15 hectares (approximately) specified in the schedule appended to that notification.

And whereas the Central Government is satisfied that coal is obtainable in 2500.00 (approximately) or 1012.50 hectares (approximately) of the lands out of the said lands;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire the rights to mine, quarry, bore, dig, and search for, win, work and carry away minerals in the lands measuring 2500.00 acres (Approximately) or 1012.50 hectares (approximately) described in the Schedule appended hereto;

The plans of the area covered by this notification may be inspected in the office of the Collector, Nagpur (Maharashtra), or in the office of the Coal Controller, 1-Council House Street, Calcutta or in the Office of the National Coal

Development Corporation Ltd. (Revenue Section), Darbhanga House, Ranchi (Bihar).

Any person interested in the aforesaid lands may, within 30 days of the issue of this notification, file objection to the acquisition of the whole or any part of the lands or of any rights in or over such lands to the Coal Controller, 1-Council House Street, Calcutta.

SCHEDULE

KAMPTEE BLOCK 'B'

Kamptee Coal Field

DRG. No. Rev./43/65 dt. 14-9-65.

(showing lands, where rights to mine, quarry, bore, dig search for win work and carry away minerals are to be acquired).

'Mining Rights'

Sl. No.	Village	Tehsil	Mouza No.	District	Area	Remarks
1	Walni	Saoner	201	Nagpur		Part
2	Ranala	"	183	"		Part
3	Chadkapur	"	71	"		Part
Total Area 1300.00 Acres (Approximately)						
Or 526.50 Hectares (Approximately)						

Plot numbers to be acquired in village Walni—

1 to 9, 10/1, 10/2, 11 to 118, 120 to 126, 127(P), 128(P), 129(P), 131(P), 132(P), 133 to 139, 140/1, 140/2, 141/1, 141/2, 142 to 165, 166(P), 167(P), 168(P), 169(P), 170(P), 171(P), 172(P).

Plot numbers to be acquired in village Ranala—

1, 2(P), 4(P), 5 to 7, 8(P), 9(P), 10(P), 15(P), 16/1(P), 17/1(P), 18 to 20, 21(P), 22, 23(P), 24(P), 25(P), 26(P), 27(P), 29(P), 30(P), 33(P), 37(P), 48(P), 49 to 52, 53(P), 54(P), 55(P), 56(P), 57(P), 59(P), 67(P), 68(P), 69 to 70, 71/1, 71/2, 72(P).

Plot numbers to be acquired in village Chadkapur—

4(P), 6(P), 17(P), 34(P), 36(P), 37(P), 38(P), 39(P), 40(P), 41(P), 43(P).

Boundary Description of Kamptee Block 'B'

- *1—2 line passes through plot no. 128 in village Walni and meets at point '2'.
- 2—3 line passes along the part right bank of River Kanhan and meets at point '3'.
- 3—4 line passes along the common boundary of villages Walni and Nagpur and meets at point '4'.
- 4—5 line passes along the common boundary of villages Pipla and Walni and part common boundary of villages Pipla and Ranala and meets at points '5'.
- 5—6 line passes through plot Nos. 2, 4, 9, 10, 8, 21, 15, 16/1, 17/1, 57, 59, 56, 55, 54, 53, 67, 68 and 72 in village Ranala, through plot nos. 40, 41, 39, 38, 43 and 34 in village Chadkapur and meets at point '6'.
- 6—7 line passes along the part western boundary of Plot No. 32 along western boundary and part northern boundary of Plot No. 33 in village Chadkapur (which is along the part common boundary of Kamptee Block-A acquired U/S 9(i) of Coal Bearing Areas (Acquisition and Development) Act 1957 vide S.O. 602 dated 11-2-1964) and meets at point '7'.
- 7—8 line passes through Plot Nos. 17, 6, 4, 34, 37 and 36, in village Chadkapur, through plot Nos. 43, 47, 48, 57, 30, 29, 27, 21 and 23 in village Ranala (which is along the part common boundary of Kamptee Block-A acquired U/S 9(i) of Coal Bearing Areas (Acquisition and Development) Act, 1957 vide S.O. No. 602 dated 11-2-1964) and meets at point '8'.
- 8—1 line passes through Plot Nos. 23, 24, 25 & 26 in village Ranala, through Plot Nos. 166, 167, 168, 169, 170, 171, 172, 131, 132, 129 & 128 in village Walni (which is along the part common boundary of Kamptee Block 'A' acquired U/s 9(i) of the Coal Bearing Areas (Acquisition and Development) Act, 1957 vide S.O. No. 602 dated 11-2-64) and meets at point '1'.

KAMPTEE BLOCK 'C'

Kamptee Coal Field

DRG. No. Rev./44/65 Dated 14-9-1965.

(showing lands where rights to mine, quarry bore, dig search for win work and carry away minerals are to be acquired).

'Mining Rights'

Sl. No.	Village	Tahsil	Mouza No.	District	Area	Remarks
1	Ghatrohana	Ramtek	316	Nagpur		Part
2	Junikamtee	"	35	"		Part
Total Area 1200.00 Acres (Approximately)						
Or 486.00 Hectares (Approximately)						

Plot numbers to be acquired in village Ghatrohana —

1(P), 40(P), 43(P), 57(P), 58, to 64, 65(P), 66(P), 67(P), 68(P), 69 to 82, 83(P), 84(P), 85(P), 86(P), 156(P), 158(P), 159, 160(P), 163(P).

Plot numbers to be acquired in village Junikamtee —

1 to 8, 9(P), 10(P), 12—14(P), 15(P), 16 to 40, 41(P), 42, 43, 44(P), 47(P), 48(P), 49(P), 50(P), 51(P), 53(P), 55(P), 56(P), 57(P), 58 to 82, 83(P), 84 to 90, 91(P), 92 to 97, 98(P), 99(P), 100(P), 101, 102(P), 103(P), 104(P), 105(P), 108(P), 109(P), 112(P), 121(P), 122(P), 124(P), 127(P), 128(P), 129, 130, 131(P), 135(P), and 174(P).

Boundary description of Kamptee Block 'C'

- A—B—C lines pass along the part Central line of Pench River and Kanhan River which is part common boundary of village Ghatrohana and Dorli, Ghatrohana and Bina, Junikamtee and Bina and meet at point 'C'.
- C—D line passes through plot numbers 174, 9, 10, 15, 12—14, 41, 44, 47, 48, 50, 51, 53, 49, 57, 83, 56, 55, 105, 112, 108, in village Junikamtee and meets at point 'D'.
- D—E line passes through plot numbers 108, 109, 108, 112, 104, 103, 102, 100, 99, 98, 121, 122, 83, 91, in village Junikamtee and meets at point 'E'.
- E—F line passes through plot numbers 91, 83, 122, 124, 127, 128, 131, 135 in village Junikamtee and meets at point 'F'.
- F—G line passes along the part common boundary of villages Junikamtee and Goregaon and meets at point 'G'.
- G—A line passes through plot numbers 163, 160, 156, 158, 83, 84, 85, 86, 85, 68, 67, 65, 66, 65, 57, 43, 40 and 1 in village Ghatrohana and meets at point 'A'.

[No. C2-25(1)/65.]

RAM SAHAY, Under Secy.

MINISTRY OF COMMERCE

New Delhi, the 16th February 1966

S.O. 631.—In exercise of the powers conferred by section 3 of the Textiles Committee Act, 1963 (41 of 1963), the Central Government hereby appoints the Deputy Secretary to the Government of India, Ministry of Finance as a member of the Textiles Committee, Vice the Joint Secretary to the Government of India, Ministry of Finance, and directs that the following amendment shall be made in

the Notification of the Government of India in the Ministry of Commerce No. S.O. 2914, dated the 22nd August, 1954, namely:—

In the said Notification, for the entry against serial No. 5, the following entry shall be substituted, namely:—

“The Deputy Secretary to the Government of India, Ministry of Finance, New Delhi.

[No. F. 25(38)-TEX(A)/63-I.]

DAULAT RAM, Under Secy.

New Delhi, the 22nd February 1966

S.O. 632.—The following amendments made to the rules by the Mahesh Beopar Bhandar Company Limited, Dhuri (Punjab), in exercise of the powers conferred on it by sub-section (1) of section 9A of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) and approved by the Central Government are hereby published, as required by sub-section (2) of that section, namely:—

In the Articles of Association of the Mahesh Beopar Bhandar Company Limited, Dhuri (Punjab)—

(i) for Article 110, the following Article shall be substituted, namely:—

Classification of members—

“110—All trading members of the Company shall be classified into three different panels as follows:—

(i) Ginners' Panel;

(ii) Ready Dealers' Panel; and

(iii) Forward Dealers' Panel.”;

(ii) Article 112 shall be omitted;

(iii) In Article 114, for the words “panels, requirements laid down for classifying members into such panels and to re-allocate the number of seats allotted to such panels on the Board of Directors”, the words “panels and the requirements laid down for classifying members into such panels” shall be substituted;

(iv) in Article 116, for clause (a), the following clause shall be substituted, namely:—

“(a) (i) Not more than one Director belonging to the Ginners' Panel to be elected by the members of the Company classified in the Ginners' Panel;

(ii) not more than two Directors belonging to the Ready Dealers' Panel to be elected by members of the Company classified in the Ready Dealers' Panel;

(iii) not more than four Directors belonging to the Forward Dealers' Panel to be elected by members of the Company classified in the Forward Dealers' Panel; and

(iv) not more than one Director to be elected by non-trading member shareholders.”.

[No. 33(3)-Com(Genl)(FMC)/65.]

M. L. GUPTA, Under Secy.

New Delhi, the 25th February 1966

S.O. 633.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order further to amend the Art Silk Textiles (Production and Distribution) Control Order, 1962, namely:—

1. This order may be called the Art Silk Textiles (Production and Distribution) Control (Amendment) Order, 1966.

2. In clause 10 of the Art Silk Textiles (Production and Distribution) Control Order, 1962—

(i) in sub-clause (1), after item (a), the following item shall be inserted, namely:—

“(aa) require any person, in writing, to furnish samples of any article to which this Order applies.”;

- (ii) in sub-clause (2), after the words "required to give any information", the words "or furnish samples" shall be inserted.

[No. F. 5(6)Tex(F)/66.]

N. S. VAIDYANATHAN, Under Secy.

Office of the Joint Chief Controller of Imports and Exports)

(Central Licensing Area)

ORDERS

New Delhi, the 30th September 1965

S.O. 634.—Whereas Messrs. Dayal & Co., MB/103, Sadar Bazar, Gurgaon or any bank or any other person have not come forward furnishing sufficient cause, against Notice No. JCC.I/I(CLA)/R-16/65/1436 dated 10th September, 1965 proposing to cancel the licence number P/SS/1588922/C/XX/19/C/D/20 dated 9th July, 1965 for Rs. 15,293 for Crude drugs viz.; Maju, Pipli, Parwal etc., granted to said Messrs. Dayal & Co., MB/103, Sadar Bazar, Gurgaon by the Joint Chief Controller of Imports & Exports, (Central Licensing Area) New Delhi, Government of India in the Ministry of Commerce in exercise of the powers conferred by the clause-9 of the Import (Control) Order 1955, hereby cancel the said licence No. P/SS/1588922/C, dated 9th July, 1965, issued to Messrs. Dayal & Co., MB/103, Sadar Bazar, Gurgaon.

[No. JCC.I/I(CLA)/R-16/65/1919.]

S.O. 635.—Whereas Messrs. Mohan & Co., MB/75, Gandhi Chowk, Gurgaon or any bank or any other person have not come forward furnishing sufficient cause, against Notice number JCC.I/I(CLA)/M-17/65/1401 dated 10th September, 1965, proposing to cancel licence number P/SS/1587402/C/XX/20/CD/20 dated 28th July, 1965, for Rs. 16,875 for Crude drugs viz., Mulethi, Akarkara, Jaiphal etc., granted to said Messrs. Mohan & Co., MB/75, Gandhi Chowk, Gurgaon by the Joint Chief Controller of Imports & Exports (Central Licensing Area) New Delhi, Government of India, in the Ministry of Commerce in exercise of the powers conferred by the clause-9 of the Import (Control) Order 1955, hereby cancel the said licence number P/SS/1587402/C, dated 28th July, 1965, for Rs. 16,875 issued to Messrs. Mohan & Co., MB/75, Gandhi Chowk, Gurgaon.

[No. JCC.I/I(CLA)/M-17/65/1954.]

S.O. 636.—Whereas Messrs. City Industries, 21-A, Industrial Estate, Narnaul, or any other person or any bank have not come forward furnishing sufficient cause, against Notice No. JCC.I/I(CLA)/C-9/65/1366 dated the 10th September, 1965, proposing to cancel licence number P/SS/1587196/C/XX/20/CD/20 dated 15th July, 1965, for Crude drugs viz.; Kalmi Dalchini, Akarkara, Jaiphal etc., for Rs. 17,312 granted to said Messrs. City Industries, 21-A, Industrial Estate, Narnaul by the Joint Chief Controller of Imports & Exports (Central Licensing Area) New Delhi, Government of India in the Ministry of Commerce in exercise of the powers conferred by the clause 9 of the Import (Control) Order 1955, hereby cancel the said licence No. P/SS/1587196/C dated 15th July, 1965, for Rs. 17,312 issued to Messrs. City Industries, 21-A, Industrial Estate, Narnaul.

[No. JCC.I/I(CLA)/C-9/65/1989.]

New Delhi, the 29th January 1966

S.O. 637.—Whereas Messrs. Jaipur Public Carrier Transport Co., Mohalla Kharadian Ghat, House of Dewan Maqbool Singh, Jaipur or any bank or any other person have not come forward furnishing sufficient cause, against Notice No. JCCI/I(CLA)/38/64/2714, dated 27th December, 1965 proposing to cancel licence Nos. P/AU/1210038/C, dated 11th August, 1964 for Rs. 28,055 for the import of M. V. Parts and (2) P/AU/1210784/C, dated 30th April, 1965 for Rs. 52,110 for the import of M. V. Parts granted to said Messrs. Jaipur Public Carrier Transport Co., Mohalla Kharadian Ghat, House of Dewan Maqbool Singh, Jaipur by the Joint Chief Controller of Imports & Exports (Central Licensing Area) New Delhi Govt. of India, in the Ministry of Commerce in exercise of the powers conferred by the clause 9 of the Import (Control) Order 1955, hereby cancel the said licence Nos. P/AU/1210038/C, dated 11th August, 1964 and licence No. P/AU/1210784/C, dated 30th April, 1965 issued to Messrs. Jaipur Public Carrier Transport Co., Mohalla Kharadian Ghat, House of Dewan Maqbool Singh, Jaipur.

[No. JCCI/I(CLA)/38/64/3056.]

S. K. SEN,

Jt. Chief Controller of Imports & Exports.

(Office of the Joint Chief Controller of Imports and Exports)

ORDERS

Bombay, the 29th October, 1965

S.O. 638.—Whereas M/s. Haresh Overseas Co., Irani Chawl No. 1, Carter Road, Borivli (East), Bombay-66 or any Bank or any other person have not come forward furnishing sufficient cause, against Notice No. 1/247/65/CDN.II, dated 24/25th October, 1965 proposing to cancel licence No. 2297032 dated 28th February, 1965 valued at Rs. 5,600 for the import of Coal Tar Dyes Textile Chemicals Gums etc. granted to the said M/s. Haresh Overseas Co., Bombay-66 by the Jt. Chief Controller of Imports & Exports, Bombay, Government of India, Ministry of Commerce, in exercise of the powers conferred by Clause 9(a) of the Imports (Control) Order, 1955, hereby cancel the said licence No. 2297032, dated 23rd February, 1965 issued to the said M/s. Haresh Overseas Co., Bombay, 1966.

2. The said Notice No. 1/247/65/CDN.II, dated 24/25th October, 1965 has been returned by the Post Office with the remark "Not known—Returned to Sender."

[No. 1/247/65/CDN.II.]

S.O. 639.—Whereas M/s. Pears & Co., 745, Parsi Colony, Dadar, Bombay-14 or any Bank or any other person have not come forward furnishing sufficient cause, against Notice No. 1/247/65/CDN.II, dated 20/21st October, 1965 proposing to cancel licence No. 2273302, dated 5th September, 1964 and duplicate licence No. 2462529, dated 7th November, 1964 issued in lieu thereof valued at Rs. 12,930 and (2) licence No. 2299904, dated 26th March, 1965 valued at Rs. 14,038 for the import of Coal Tar Dyes Textile Chemicals Gums etc. granted to the said M/s. Pears & Co., Bombay-14 by the Jt. Chief Controller of Imports and Exports, Bombay, Government of India, Ministry of Commerce, in exercise of the powers conferred by Clause 9(a) of the Imports (Control) Order, 1955, hereby cancel the said licence No. 2273302, dated 5th October, 1964 and duplicate licence No. 2462529, dated 7th November, 1964 issued in lieu thereof and (2) Licence No. 2299904, dated 26th March, 1965 issued to the said M/s. Pears & Co., Bombay-14.

2. The said Notice No. 1/247/65/CDN.II, dated 20/21st September, 1965 has been returned by the Post Office with the remark "Not known—Returned to Sender."

[No. 1/247/65/CDN.II.]

S.O. 640.—Whereas M/s. Yamuna Trading Co., 22-E, Katrak Road, Bombay-31 or any Bank or any other person have not come forward furnishing sufficient cause, against Notice No. 1/247/65/CDN.II, dated 20/21st September, 1965 proposing to cancel licence No. 2298981, dated 15th March, 1965 valued at Rs. 6,025 for the import of Coal Tar Dyes Textile Chemicals Gums etc. granted to the said M/s. Yamuna Trading Co., Bombay-31 by the Jt. Chief Controller of Imports & Exports, Bombay, Government of India, Ministry of Commerce, in exercise of the powers conferred by Clause 9(a) of the Imports (Control) Order, 1955, hereby cancel the said licence No. 2298981, dated 15th March, 1965 issued to the said M/s. Yamuna Trading Co., Bombay-31.

2. The said Notice No. 1/247/65/CDN.II, dated 20/21st September, 1965 has been returned by the Post Office with the remark "Not known—Returned to Sender."

[No. 1/247/65/CDN.II.]

S.O. 641.—Whereas M/s. Yeshwant & Co., Sherj House, 1st Floor Gunbow Street, Fort, Bombay-1 or any Bank or any other person have not come forward furnishing sufficient cause, against Notice No. 1/247/65/CDN.II, dated 20/21st September, 1965 proposing to cancel licence No. 2299905, dated 26th August, 1965 valued at Rs. 8,391 for the import of Coal Tar Dyes Textile Chemicals Gums etc. granted to the said M/s. Yeshwant & Co., Bombay-1 by the Jt. Chief Controller of Imports & Exports, Bombay, Government of India, Ministry of Commerce, in exercise of the powers conferred by Clause 9(a) of the Imports (Control) Order, 1955, hereby cancel the said licence No. 2299905, dated 26th March, 1965 issued to the said M/s. Yeshwant and Co., Bombay-1.

2. The said Notice No. 1/247/65/CDN.II, dated 20/21st September, 1965 has been returned by the Post Office with the remark "Not known—Returned to Sender."

[No. 1/247/65/CDN.II.]

S.O. 642.—Whereas M/s. Temani Brothers, 116, Himalaya House, Palton Road, Bombay-1 or any Bank or any other person have not come forward furnishing sufficient cause, against Notice No. 1/247/65/CDN.II, dated 20/21st September, 1965 proposing to cancel licence No. 2302764, dated 30th April, 1965 valued at Rs. 11,213 for the import of Coal Tar Dyes Textile Chemicals Gums etc. granted to the said M/s. Temani Brothers, Bombay-1 by the Jt. Chief Controller of Imports & Exports, Bombay, Government of India, Ministry of Commerce, in exercise of the powers conferred by Clause 9(a) of the Imports (Control) Order, 1955, hereby cancel the said licence No. 2302764, dated 30th April, 1965 issued to the said M/s. Temani Brothers, Bombay-1.

2. The said Notice No. 1/247/65/CDN.II, dated 20/21st September, 1965 has been returned by the Post Office with the remark "Not known—Returned to Sender."

[No. 1/247/65/CDN.II.]

S.O. 643.—Whereas M/s. U. Carton & Co., 14, Hamam St 1st Floor, Bombay-1, or any Bank or any other person have not come forward furnishing sufficient cause, against Notice No. 1/247/65/CDN.II, dated 20/21st September, 1965 proposing to cancel licence No. 229 938, dated 27th March, 1965 valued at Rs. 9 213 for the import of Coal Tar Dyes Textile Chemicals Gums etc. granted to the said M/s. U. Carton & Co., Bombay-1, by the Jt. Chief Controller of Imports & Exports, Bombay Government of India, Ministry of Commerce, in exercise of the powers conferred by Clause 9(a) of the Imports (Control) Order, 1955, hereby cancel the said licence No. 2299938, dated 27th March, 1965 issued to the said M/s. U. Carton & Co., Bombay-1.

2. The said Notice No. 1/247/65/CDN.II, dated 20/21st September, 1965 has been returned by the Post Office with the remark "Not known—Returned to Sender."

[No. 1/247/65/CDN.II.]

S.O. 644.—Whereas M/s. Universal Trading Co., 14, Hamam Street, Bombay-1 or any Bank or any other person have not come forward furnishing sufficient cause, against Notice No. 1/247/65/CDN.II/3241, 20/21st September, 1965 proposing to cancel Licence No. 2302043, dated 27th April, 1965 valued at Rs. 9,320 for the import of Coal Tar Dyes Textile Chemicals Gums etc. granted to the said M/s. Universal Trading Co., Bombay-1 by the Jt. Chief Controller of Imports & Exports, Bombay, Government of India, Ministry of Commerce in exercise of the powers conferred by Clause 9(a) of the Imports (Control) Order, 1955, hereby cancel the said licence No. 2302043, dated 27th April, 1965 issued to the said M/s. Universal Trading Co., Bombay-1.

2. The said Notice No. 1/247/65/CDN.II/3241, dated 20/21st September, 1965 has been returned by the Post Office with the remark "Not known—Returned to Sender."

[No. 1/247/65/CDN.II.]

N. BANERJI,

Dy. Chief Controller of Imports and Exports
for Jt. Chief Controller of Imports & Exports.

(Office of the Joint Chief Controller of Imports and Exports)

Bombay, the 17th November 1965

S.O. 645.—Whereas M/s. Howrah Trading Co., 373, Dr. D. N. Road, Fort, Bombay-1 or any Bank or any other person have not come forward furnishing sufficient cause, against Notice No. 1/247/65/CDN.II, dated 24/25th Sept., 1965 proposing to cancel licence No. 2297030, dated 23rd February, 1965 valued at Rs. 4,750 for the import of Coal Tar Dyes Textile Chemicals Gums etc. granted to the said M/s. Howrah Trading Co., Bombay by the Jt. Chief Controller of Imports and Exports, Bombay, Government of India, Ministry of Commerce, in exercise of the powers conferred by clause 9(a) of the Imports (Control) Order 1955, hereby cancel the said licence No. 2297030, dated 23rd February, 1965 issued to the said M/s. Howrah Trading Co., Bombay-1.

2. The said Notice No. 1/247/65/CDN.II, dated 24/25th September, 1965 has been returned by the Post Office with the remark "Not Known".

[No. 1/247/65/CDN.II.]

S.O. 646.—Whereas M/s. Nirmal Trading Co., Himalaya House, 1st floor, Palton Road, Bombay-1 or any Bank or any other person have not come forward furnishing sufficient cause against Notice No. 1/247/65/CDN.II, dated 24/25th September, 1965 proposing to cancel licence No. 2295997, dated 9th February, 1965 valued at Rs. 8420 for the import of Coal Tar Dyes Textile Chemicals Gums etc. granted to the said M/s. Nirmal Trading Co., Bombay by the Jt. Chief Controller of Imports and Exports, Bombay, Government of India, Ministry of Commerce, in exercise of the powers conferred by clause 9(a) of the Imports (Control) Order, 1955, hereby cancel the said licence No. 2295997, dated 9th February, 1965 issued to the said M/s. Nirmal Trading Co. Bombay-1.

2. The said Notice No. 1/247/65/CDN.II, dated 24/25th September, 1965 has been returned by the post office with the remark "Not Known".

[No. 1/247/65/CDN.II.]

Bombay, the 21st January 1966

S.O. 647.—Whereas M/s. Sunita Textile Trading Co., Daver House, 199, Dr. D. N. Road, Bombay-1 or any Bank or any other person have not come forward furnishing sufficient cause against Notice No. 1/336/65/CDN.II, dated 3rd December, 1965 proposing to cancel the licence No. 2052872, dated 23rd September 1965 valued at Rs. 54,370 for the import of permissible types of ball bearings granted to the said M/s. Sunita Textile Trading Co., Bombay-1 by the Jt. Chief Controller of Imports and Exports, Bombay, Government of India, Ministry of Commerce in exercise of the powers conferred by Clause 9(a) of the Import (Control) Order 1955 hereby cancel the said licence No. 2052872, dated 23rd September 1965 issued to the said M/s. Sunita Textile Trading Co. Bombay-1.

[No. 1/336/65/CDN.II.]

S.O. 648.—Whereas M/s. Anil Textile Engineering Corp., 38, New Chawl, Bhiwandi, Dist. Thana or any Bank or any other person have not come forward furnishing sufficient cause against Notice No. 1/336/65/CDN.II, dated 3rd December, 1965 proposing to cancel licence No. 2052888, dated 23rd September 1965 valued at Rs. 70,430 for the import of permissible types of ball bearings granted to the said M/s. Anil Textile Engineering Corp., Thana by the Jt. Chief Controller of Imports and Exports, Bombay Government of India, Ministry of Commerce in exercise of the powers conferred by Clause 9(a) of the Import (Control) Order, 1955, hereby cancel the said licence No. 2052888, dated 23rd September 1965, issued to the said M/s. Anil Textile Engineering Corp., Dist. Thana.

[No. 1/336/65/CDN.II.]

S.O. 649.—Whereas M/s. Modern Mills Stores Manufacturers, Gharwadi, Lady Jamshedji Road No. 2, Mahim, Bombay-16 or any Bank or any other person have not come forward furnishing sufficient cause against Notice No. 1/336/65/CDN.II, dated 3rd December, 1965 proposing to cancel the licence No. 2051860, dated 15th April 1965, valued at Rs. 14,700 for the import of Ball Bearings permissible types for manufacturing of Textile Machinery granted to the said M/s. Modern Mills Stores Manufacturers, Bombay by the Jt. Chief Controller of Imports & Exports, Bombay, Government of India, Ministry of Commerce in exercise of the powers conferred by Clause 9(a) of the Imports (Control) Order, 1955 hereby cancel the said licence No. 2051860, dated 15th April 1965 issued to the said M/s. Modern Mills Stores Manufacturers, Bombay-16.

[No. 1/336/65/CDN.II.]

S.O. 650.—Whereas M/s. Hindusthan Textile Machinery Manufacturers, Examiner Press Building, 3rd floor, Dalal Street, Bombay-1 or any Bank or any other person have not come forward furnishing sufficient cause against Notice No. 1/336/65/CDN.II, dated 3rd December, 1965 proposing to cancel licence No. 2051857, dated 12th April 1965 valued at Rs. 69,770 for the import of permissible types of Ball Bearings granted to the said M/s. Hindusthan Textile Machinery Manufacturers, Bombay-1 by the Jt. Chief Controller of Imports and Exports, Bombay, Government of India, Ministry of Commerce, in exercise of the powers conferred by Clause 9(a) of the Imports (Control) Order 1955, hereby cancel the said licence No. 2051857 dated 12th April 1965 issued to the said M/s. Hindusthan Textile Machinery Manufacturers, Bombay-1.

[No. 1/336/65/CDN.II.]

S.O. 651.—Whereas M/s. Reliable Textile Machinery Manufacturers, 11, Dwarkadas Mansion, 2nd floor, Parthana Samaj, Bombay-4, or any Bank or any other person have not come forward furnishing sufficient cause against Notice No. 1/336/65/CDN.II, dated 17th December 1965 proposing to cancel licence No. 2044720, dated 20th May 1964 valued at Rs. 48,200 for the import of permissible items of components/raw materials including special types of Motors and Ball and Roller bearings for the manufacture of Ball Bearings granted to the said M/s. Reliable Textile Machinery Manufacturers, Bombay-4 by the Jt. Chief Controller of Imports & Exports, Bombay, Government of India, Ministry of Commerce in exercise of the powers conferred by Clause 9(a) of the Import (Control) Order, 1955, hereby cancel the said licence No. 2044720 dated 20th May 1964 issued to the said M/s. Reliable Textile Machinery Manufacturers, Bombay-4.

2. The said Notice No. 1/336/65/CDN.II, dated 17th December 1965 has been returned by the Post Office with the remark 'not known'.

[No. 1/336/65/CDN.II.]

S.O. 652.—Whereas M/s. Hindustan Engineering Co., 622, Kapasia Bazar, Ahmedabad-2 or any Bank or any other person have not come forward furnishing sufficient cause against Notice No. 1/336/65/CDN.II, dated 3rd December 1965, proposing to cancel licence No. 2052158, dated 6th May 1965 valued at Rs. 48,740 for the import of permissible types of Ball Bearings granted to the said Ms. Hindustan Engineering Co., Ahmedabad-2 by the Jt. Chief Controller of Imports & Exports, Bombay, Government of India, Ministry of Commerce in exercise of the powers conferred by Clause 9(a) of the Import (Control) Order, 1955 hereby cancel the said licence No. 2052158, dated 6th May 1965 issued to the said M/s. Hindustan Engineering Co. Ahmedabad-2.

2. The said Notice No. 1/336/65/CDN.II, dated 3rd December 1965 has been returned by the Post Office undelivered.

[No. 1/336/65/CDN.II.191.]

S.O. 653.—Whereas M/s. Vijay Auto Engineering Co., 2nd Bhattwadi, Girgaum, Bombay-4 or any Bank or any other person have not come forward furnishing sufficient cause, against Notice No. 1/336/65/CDN.II, dated 17th December 1965, proposing to cancel the licence No. P/CG/2045332/C/XX/19/C/B/18 dated 6th August 1964 valued at Rs. 45,000 for the import of permissible types of ball bearings granted to the said M/s. Vijay Auto Engineering Co. Bombay-4 by the Jt. Chief Controller of Imports and Exports, Bombay, Government of India, Ministry of Commerce, in exercise of the powers conferred by Clause 9(a) of the Imports (Control) Order 1955, hereby cancel the said licence No. P/CG/2045332/C/XX/19/C/B/18, dated 6th August 1964 issued to the said M/s. Vijay Auto Engineering Co., Bombay-4.

2. The said Notice No. 1/336/65/CDN.II, dated 17th December 1965 has been returned by the Post Office with the remark 'not known'.

[No. 1/336/65/CDN.II.192.]

S.O. 654.—Whereas M/s. Hiraco Textile Manufacturing Co., 116, Himalaya House, 1st floor, Palton Road, Bombay-1 or any Bank or any other person have not come forward furnishing sufficient cause against Notice No. 1/336/65/CDN.II, dated 3rd December 1965 proposing to cancel the licence No. 2052149, dated 4th May 1965 valued at Rs. 22,300 for the import of permissible types of ball bearings granted to the said M/s. Hiraco Textile Manufacturing Co., Bombay-1 by the Jt. Chief Controller of Imports & Exports, Bombay, Government of India, Ministry of Commerce in exercise of the powers conferred by clause 9(a) of the Imports (Control) Order, 1955 hereby cancel the said licence No. 2052149 dated 4th May 1965 issued to the said M/s. Hiraco Textile Manufacturing Co. Bombay-1.

2. The said Notice No. 1/336/65/CDN.II, dated 3rd December 1965 has been returned by the Post Office with the remark 'not known'.

[No. 1/336/65/CDN.II.193.]

S.O. 655.—Whereas M/s. Ashok Textile Engineering Works, 58/60, Sutar Chawl, 1st floor, Room No. 2, Bombay-2 or any Bank or any other person have not come forward furnishing sufficient cause against Notice No. 1/336/65/CDN.II, dated 3rd December, 1965 proposing to cancel licence No. 2052866, dated 23rd September 1965, valued at Rs. 31,265 for the import of permissible types of Ball Bearings granted to the said M/s. Ashok Textile Engineering Works, Bombay-2 by the Jt. Chief Controller of Imports and Exports, Bombay, Government of India, Ministry of Commerce in exercise of the powers conferred by Clause 9(a) of the Imports (Control) Order, 1955 hereby cancel the said licence No. 2052866, dated 23rd September 1965, issued to the said M/s. Ashok Textile Engineering Works, Bombay-2.

2. The said Notice No. 1/336/65/CDN.II, dated 3rd December 1965 has been returned by the post office with the remark 'not found at delivery time'.

[No. 1/336/65/CDN.II.194.]

S.O. 656.—Whereas M/s. Shree Ashwin Textile Machinery Mfg. Co., 5, Ashirwad, 303-A, Canari Road, Borivali (East) Bombay-66 or any Bank or any other person have not come forward furnishing sufficient cause, against Notice No. 1/336/65/CDN.II dated 17th December, 1965 proposing to cancel licence No. 2045056/64, dated 7th July 1964 valued at Rs. 72,480 for the import of permissible types of Ball Bearings granted to the said M/s. Shree Ashwin Textile Machinery Mfg. Co. Bombay by the Jt. Chief Controller of Imports & Exports, Bombay, Government of India, Ministry of Commerce in exercise of powers conferred by Clause 9(a) of the Imports (Control) Order 1955, hereby cancel the said licence No. 2045056/64, dated 7th July 1964 issued to the said M/s. Shree Ashwin Textile Machinery Mfg. Co., Bombay.

2. The said Notice No. 1/336/65/CDN.II, dated 17th December 1965 has been returned by the Post Office with the remark 'refused'.

[No. 1/336/65/CDN.II.195.]

S.O. 657.—Whereas M/s. Universal Machinery Mfg. Co., 82, Commercial Chambers, 6th floor, Masjid Bunder Road, Bombay-3, or any Bank or any other person have not come forward furnishing sufficient cause against Notice No. 1/336/65/CDN.II, dated 17th December 1965 proposing to cancel licence No. 2051245, dated 15th February 1965 valued at Rs. 30,500 for the import of (i) Flat Healds for Auto looms, (ii) Flat Healds for Ordy. looms and (iii) Leno Doup Healds granted to the said M/s. Universal Machinery Mfg. Co. Bombay by the Jt. Chief Controller of Imports and Exports, Bombay, the Government of India, Ministry of Commerce in exercise of the powers conferred by Clause 9(a) of the Imports (Control) Order 1955, hereby cancel the said licence No. 2051245 dated 15th February 1965, issued to the said M/s. Universal Machinery Mfg. Co., Bombay-3.

2. The said Notice No. 1/336/65/CDN.II, dated 17th December 1965 has been returned by the Post Office with the remarks "Left".

[No. 1/336/65/CDN.II.196.]

S.O. 658.—Whereas M/s. Bombay Textile Engineering Works, Shree Chemical Compound, Aarey Road, Goregaon East, Bombay-62 or any Bank or any other person have not come forward furnishing sufficient cause against Notice No. 1/336/65/CDN.II, dated 3rd December 1965, proposing to cancel the licence No. 2025721, dated 10th December 1964 valued at Rs. 65,780 for the import of Ball Bearings of permissible types granted to the said M/s. Bombay Textile Engineering Works, Bombay-62 by the Joint Chief Controller of Imports and Exports, Bombay, Government of India, Ministry of Commerce in exercise of the powers conferred by Clause 9(a) of the Import (Control) Order, 1955, hereby cancel the said licence No. 2025721, dated 10th December 1964 issued to the said M/s. Bombay Textile Engineering Works, Bombay-62.

2. The said Notice No. 1/336/65/CDN.II, dated 3rd December, 1965 has been returned by the post office with the remark 'left address'.

[No. 1/336/65/CDN.II.197.]

S.O. 659.—Whereas M/s. Universal Trading Co., 14, Hamam St., Fort, Bombay-1 or any Bank or any other person have not come forward furnishing sufficient cause against Notice No. 1/336/65/CDN.II, dated 3rd December 1965 proposing to cancel licence No. 2050751, dated 12th January 1965 valued at Rs. 24,000 for the import of (i) Leno Doup Healds, (ii) Flat Healds for auto looms, (iii) Flat Healds for Ordy. looms, (iv) Replacement Healds for Auto and ordinary looms granted to the said Messrs. Universal Trading Co., Bombay-1 by the Jt. Chief Controller of Imports and Exports Bombay, Government of India, Ministry of Commerce in exercise of the powers conferred by Clause 9(a) of the Imports (Control) Order, 1955, hereby cancel the said licence No. 2050751, dated 12th January 1965 issued to the said M/s. Universal Trading Co., Bombay-1.

2. The said Notice No. 1/336/65/CDN.II, dated 3rd December 1965, has been returned by the Post Office with the remark 'not known'.

[No. 1/336/65/CDN.II.198.]

S.O. 630.—Whereas M/s. Indian Textile Machinery Manufacturers, 36, Usha Sadan, Block No. A, Colaba Road, Bombay-5 or any Bank or any other person have not come forward furnishing sufficient cause against Notice No. 1/336/65/CDN.II, dated 3rd December 1965 proposing to cancel licence No. 2052871 dated 23rd September 1965 valued at Rs. 44,095 for the import of permissible types of Ball Bearings granted to the said M/s. Indian Textile Machinery Mfrs., Bombay-5 by the Jt. Chief Controller of Imports and Exports, Bombay, Government of India, Ministry of Commerce in exercise of the powers conferred by Clause 9(a) of the Imports (Control) Order, 1955, hereby cancel the said licence No. 2052871, dated 23rd September 1965 issued to the said M/s. Indian Textile Machinery Manufacturers, Bombay-5.

2. The said Notice No. 1/336/65/CDN.II, dated 3rd December 1965 has been returned by the Post Office with the remark 'not found at delivery time'.

[No. 1/336/65/CDN.II.199.]

S.O. 661.—Whereas M/s. Sushil Textile Machinery Manufacturers, Bombay Talkies Compound, Himansuray Road, Shed No. 50, Malad, West, Bombay-64 or any Bank or any other person have not come forward furnishing sufficient cause against Notice No. 1/336/65/CDN.II, dated 17th December 1965 proposing to cancel the licence No. G/CG/2027044/C/XX/19/C/B/18, dated 23rd October 1964 valued at Rs. 35,630 for the import of Stainless Steel tubes of permissible gauges granted to the said M/s. Sushil Textile Machinery Manufacturers, Bombay by the Jt. Chief Controller of Imports and Exports, Bombay, Government of India, Ministry of Commerce, in exercise of the powers conferred by Clause 9(a) of the Imports (Control) Order, 1955, hereby cancel the said licence No. G/CG/2027044/C/XX/19/C/B/18, dated 23rd October 1964, issued to the said M/s. Sushil Textile Machinery Manufacturers, Bombay-64.

2. The said Notice No. 1/336/65/CDN.II, dated 17th December 1965 has been returned by the post office with the remark 'left'.

[No. 1/336/65/CDN.II.200.]

S.O. 662.—Whereas M/s. Bharat Textile Machinery Manufacturers, Podar Chambers, 2nd floor, Parsee Bazar Street, Bombay-1 or any Bank or any other person have not come forward furnishing sufficient cause against Notice No. 1/336/65/CDN.II, dated 3rd December, 1965 proposing to cancel the licence No. 2050884, dated 25th January 1965, valued at Rs. 30,360 for the import of Stainless Steel tubes of permissible gauges granted to the said M/s. Bharat Textile Machinery Manufacturers, Bombay by the Jt. Chief Controller of Imports and Exports, Bombay, Government of India, Ministry of Commerce in exercise of the powers conferred by Clause 9(a) of the Import (Control) Order, 1955 hereby cancel the said licence No. 2050884 dated 25th January 1965, issued to the said M/s. Bharat Textile Machinery Manufacturers, Bombay-1.

2. The said Notice No. 1/336/65/CDN.II, dated 3rd December 1965 has been returned by the Post Office with the remark 'not known'.

[No. 1/336/65/CDN.II.201.]

S.O. 663.—Whereas M/s. Swastik Textile Machinery Manufacturing Co., 51, Sudama Niwas, 4th floor, Bora Bazar, Fort, Bombay-1, or any Bank or any other person have not come forward furnishing sufficient cause against Notice No. 1/336/65/CDN.II, dated 17th December 1965 proposing to cancel licence No. 2052861, dated 23rd September 1965 valued at Rs. 50,450 for the import of Ball Bearings permissible types for the manufacture of Textile Machinery granted to the said M/s. Swastik Textile Machinery Mfg. Co., Bombay by the Jt. Chief Controller of Imports and Exports, Bombay, Government of India, Ministry of Commerce in exercise of the powers conferred by Clause 9(a) of the Imports (Control) Order, 1955, hereby cancel the said licence No. 2052861, dated 23rd September 1965 issued to the said M/s. Swastik Textile Machinery Mfg. Co., Bombay-1.

2. The said notice No. 1/336/65/CDN.II, dated 17th December 1965 has been returned by the Post Office with the remark 'not known'.

[No. 1/336/65/CDN.II.202.]

N. BANERJI,

Dy. Chief Controller of Imports & Exports.

MINISTRY OF INDUSTRY AND SUPPLY

(Department of Industry)

(Indian Standards Institution)

New Delhi, the 22nd February 1966

S.O. 664.—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standard Institution (Certification Marks) Regulations, 1955, the Indian Standards Institutions hereby notifies that the Indian Standard(s), particulars of which are given in the Schedule hereto annexed, have been established during the period 16 January 1966 to 15 February, 1966.

THE SCHEDULE

SL No.	No. and Title of the Indian Standard Established	No. and Title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief Particulars.
(1)	(2)	(3)	(4)
1	IS:137—1965 Specification for ready mixed paint, brushing, matt or egg-shell flat, finishing, interior, to Indian Standard colour, as required (<i>revised</i>)	IS:137-1950 Specification for ready mixed paint, brushing, matt finish, interior, to Indian Standard colour.	This standard prescribes the requirements and the methods of sampling and test for ready mixed paint, brushing, matt or egg-shell flat, finishing interior, with the distinctive colour as required (Price Rs. 1-50).
2	IS:722 (Part V)-1965 Specification for ac electricity meters Part V volt ampere hour meters for restricted power factor range.	..	This standard applies to poly-phase whole-current and transformer operated volt ampere hour meters for a restricted power factor range with maximum demand indicator and other tariff devices or accessories (Price Rs. 5-00).
3	IS:840-1964 Specification for cashewnut shell liquid (CNSL) (<i>revised</i>)	IS:840-1956 Specification for cashewnut shell liquid (CNSL)	This standard prescribes the requirements and the methods of sampling and test for cashewnut shell liquid (Price Rs. 5-00).
4	IS: 888-1965 Specification for hollow-ground razors, open type (<i>revised</i>)	IS: 888-1956 Specification for hollow ground razors open type	This standard covers the requirements for open type hollow-ground razors (Price Rs. 1-50)

(1)	(2)	(3)	(4)
5	IS:900-1965 Code of practice for installation and maintenance of induction motors (<i>revised</i>).	IS : 900-1956 Code of practice for installation and maintenance of induction motors.	This code covers installation and maintenance of three-phase induction motors covered by IS : 325-1961, and equipment generally associated with such motors operating at voltages up to 11 kV for industrial purposes. (Price Rs. 8.00).
6	IS : 904-1965 Specification for 2-way and 3-way suction collecting heads for fire fighting purposes (<i>revised</i>)	IS : 904-1959 Specification for 2-way and 3way suction collecting heads for fire fighting purposes.	This standard lays down the requirements regarding material, shape and dimensions, construction, workmanship and finish and tests of 2-way and 3-way suction collecting heads (Price Rs. 2.00).
7	IS : 906-1965 Specification for branch with revolving head for fire fighting purposes (<i>revised</i>).	IS : 906-1958 Specification for branch with revolving head for fire fighting purposes.	This standard lays down the requirements regarding materials, shape and dimensions, construction and performance test of branch with revolving head used in fire fighting operations, specially in situations, such as fire in ships holds (Price Rs. 1.50).
8	IS : 1114-1964 Specification for ammonium chloride, fertilizer grade (<i>revised</i>).	IS. : 1114-1957 Specification for ammonium chloride, technical.	This standard prescribes the requirements and the methods of sampling and test for ammonium chloride, fertilizer, grade (Price Rs. 2.50).
9	IS : 1290-1965 Specification for mineral gypsum (<i>revised</i>)	IS : 1290-1960 Specification for mineral gypsum for ammonium sulphite cement industries.	This standard prescribes the requirements and the methods of sampling and test for mineral gypsum. It also covers selenite a colourless and transparent variety of gypsum which occurs as distinct monoclinic crystals especially in clay rocks (Price Rs. 1.50).
10	IS : 2106 (Part XII-1965) Environmental tests for electronic equipment Part XII dust test.	..	This standard gives details of the procedures for application of dust test as part of the environmental testing of electronic equipment and other equipment employing similar techniques and is to be read in conjunction with Part I of this standard. (Price Re. 1.00)
11	IS : 2720 (Part V)-1965 Methods of test for soils Part V determination of liquid and plastic limits.	..	This standard lays down methods of test for determining the liquid limit and plastic limit of soils. The procedures for calculating the following indices which are related to the liquid and plastic limits are also given : (a) flow index, (b) plasticity index, (c) toughness index , (d) liquidity index, and (e) consistency index. (Price Rs. 3.00)

(1)	(2)	(3)	(4)
12	IS : 2720 (Part XVI)-1965 Methods of test for soils Part XVI laboratory deter- mination of CBR	..	This standard covers the labora- tory method for the deter- mination of California bearing ratio of undisturbed soil speci- mens obtained from the field and also remoulded specimens of the soil compacted in the la- boratory both by the static and dynamic methods, both in the soaked and unsoaked state (Price Rs. 4.00)
13	IS : 2771-1965 Specification for corrugated fibreboard boxes	..	This standard prescribes the re- quirements for corrugated fibre- board boxes weighing not more than 55 kg with contents. (Price Rs. 1.50).
14	IS : 2896-1965 Specification for wooden handles for carpen- ters' augers	..	This standard covers the require- ments of wooden handles for carpenters' augers conforming to IS : 2852-1964 (Price Re. 1.00)
15	IS : 2950-1965 Code of practice for design and construc- tion of raft foundations	..	This standard covers the design and construction of raft founda- tions and indicates the basis and methods of calculation for determining the base pressure distribution under foundations for residential and industrial buildings, store houses, etc. which have mainly vertical and evenly distributed loads. (Price Rs. 3.50).
16	IS 2997-1964 Specification for air circulator type elec- tric fans and regulators.	..	This standard specifies the requirements and methods of test of air circulator fans, oscillating and non-oscillating, and their associated regulators suitable for use on single phase ac circuits and dc circuits not exceeding 250 V, intended for normal domestic and similar uses (Price Rs. 4.50).
17	IS : 3025-1964 Methods of (i) IS : 1620-1961 Methods sampling and test (physi- of test (chemical) for cal and chemical) for industrial water water used in industry. (ii) IS : 1621-1963 Methods of sampling of industrial water for physical and chemical tests.	(iii) IS : 1631-1960 Me- thods of test (physi- cal) for industrial water.	This standard prescribed the methods of sampling and test (physical and chemical) for water used in industry. (Price Rs. 10.00).
18	IS : 3032-1965 General re- quirements for testing the accuracy of commercial measuring instruments used in petroleum trade.	..	This standard covers the general requirements, and procedures for testing the accuracy of commercial measuring ins- truments used in the petro- leum trade, of the following categories: (a) Dispensing pumps, (b) Bulk meters, and (c) Volumetric container filling machines (Price Rs. 1.50).

(1)	(2)	(3)	(4)
19	IS : 3068-1965 Specification for broken brick (burnt clay) coarse aggregate for use in lime concrete.	..	This standard covers the requirements for coarse aggregate prepared from brick for use in the preparation of lime concrete. (Price Rs. 200).
20	IS : 3070 (Part I)-1965 Specification for lightning arresters for alternating current systems Part I nonlinear resistor type lightning arresters	..	This standard covers non-linear resistor type lightning arresters designed for repeated operation to limit voltage surges on alternating current power circuits and to interrupt power follow current. This applies to lightning arresters consisting of single or multiple spark gaps in series with one or more non-linear resistors (Price Rs. 5.50).
21	IS : 3094-1965 Specification for bill-hook	..	This standard covers the requirements and tests for the single and double-edged bill-hooks. (Price Rs. 2.00)
22	IS:3103-1965 Code of practice for industrial ventilation	..	This standard covers certain basic requirements regarding safe design, construction, installation, operation, testing and maintenance of ventilating systems with respect to general ventilation of work rooms in industrial buildings local exhaust ventilation and wherever appropriate dilution ventilation for industrial processes. (Price Rs. 4.00).
23	IS:3122-1965 Specification for budding and grafting knife, combined	..	This standard covers the requirements and tests for the combined budding and grafting knife. (Price Rs. 1.50).
24	IS:3140-1965 Code of practice for painting asbestos cement building products	.	This standard covers the paint finishing of asbestos cement building products, such as: (a) roofing and cladding sheets, and (b) rain-water gutters and down-pipes. (Price Rs. 1.50)
25	IS:3145-1965 Specification for musk xylol	..	This standard prescribes the requirements and the methods of sampling and test for musk xylol largely used for perfuming chewing tobaccos, soaps and <i>AGARBATTIES</i> . (Price Rs. 1.50).
26	IS:3146-1965 Specification for oil of celery seed	..	This standard prescribes the requirements and the methods of sampling and test for the material commercially known as the oil of celery seed. (Price Rs. 1.00).
27	IS:3167-1965 Specification for cap copper alloy strip	..	This standard covers the requirements for cold rolled cap copper alloy strips. (Price Rs. 2.00).

(1)	(2)	(3)	(4)
28	IS:3170-1965 Dimensions for injection nozzles, size 'S' for diesel engines	..	This standard specifies the important dimensions for injection nozzles, size 'S', of the following types, commonly used for injecting fuel in diesel engine cylinders: (a) Hole type (Types A and B), and (b) Pintle type (Type C). (Price Rs. 1.50).
29	IS:3171-1965 Dimensions for injection nozzle holders, size 'S' for diesel engines	..	This standard specifies the more important dimensions of nozzle holders of size 'S' of the following types, commonly used in diesel engines: (a) Threaded type (Type A), and (b) Flanged type (Type B) of shaft lengths 35, 67 and 97 mm. (Price Rs. 1.50).
30	IS:3176-1965 Specification for top rollers for ring spinning frame	..	This standard prescribes the requirements of anti-friction (ballbearing) type covered top rollers for use in ring spinning frame. (Price Re. 1.00).
31	IS:3180-1965 Specification for linalyl acetate	..	This standard prescribes the requirements and the methods of sampling and test for the material commercially known as linalyl acetate. (Price Rs. 1.50).
32	IS:3186-1965 Methods of chemical analysis of cadmium copper	..	This standard prescribes methods for determining copper and Cadmium in the ranges as specified in IS-2655-1964 (Price Rs. 1.50).
33	IS:3188-1965 Dimensions for disc insulators	..	This standard gives the over all dimensions of the disc insulator units for use on overhead power lines (Price Re. 1.00).
34	IS:3190-1965 Designation of sides and hand of spinning preparatory, spinning and doubling machinery	..	This standard gives the designation of sides (left and right) and hand (left or right) of machines employed in the various processes of spinning preparatory, spinning and doubling. (Price Re. 1.00).
35	IS:3192-1965 Specification for cotton calico for electric cables	..	This standard prescribes constructional details and other particulars of cotton calico, grey or scoured, used in the manufacture of electric cables (Price Rs. 1.50).
36	IS:3196-1965 Specification for welded low carbon steel gas cylinders for the storage and transportation of liquefied petroleum gases	..	This specification deals with welded low carbon steel cylinders intended for storage and transportation of liquefied petroleum gases of nominal capacity within the range 1 to 250 litres water capacity. This standard lays down the requirements for the material to be used in the manufacture of these cylinders, their construction, marking and the methods of test (Price Rs. 3.50).

(1)	(2)	(3)	(4)
37	IS : 3205-1965 Specification for precipitated barium carbonate, technical	..	This standard prescribes the requirements and methods of sampling and test for precipitated barium carbonate, technical (Price Rs. 3.50).
38	IS:3225-1965 Method for preparation of buffer solutions	..	This standard prescribes the methods for preparation of buffer solutions used in analytical and control laboratories in industry. (Price Rs. 3.50).
39	IS:3226-1965 Specification for oil of bergamot	..	This standard prescribes the requirements and the methods of sampling and test for the material commercially known as the oil of bergamot. (Price Rs. 1.50).
40.	IS: 3227-1965 Specification for oil of bois de rose	..	This standard prescribes the requirements and the methods of sampling and test for two types of the material commercially known as oil of bois de rose. (Price Rs. 1.50).
41.	IS: 3231-1965 Specification for electrical relays for power system protection	..	This standard covers : (a) primary and secondary relays, intended for use in equipment designed for the protection of electrical plant against damage consequent upon abnormal conditions; and (b) relays used for automatic or remote control or indication of such electrical plant and associated with the functions of protection. (Price Rs. 6.00).
42.	IS:3249-1965 Specification for oil of rosemary	..	This standard prescribes the requirements and the methods of sampling and test for the material commercially known as the oil of rosemary. (Price Re. 1.00).
43.	IS: 3250-1965 Specification for methyl ionone	..	This standard prescribes the requirements and the methods of sampling and test for the material commercially known as methyl ionone. (Price Re 1.00).
44.	IS:3287-1965 Specification for industrial lighting fittings with plastic reflectors	..	This standard covers a range of general type of industrial lighting fittings with open-ended or closed-ended trough type reflectors made from rigid PVC or acrylic plastic material for use with fluorescent lamps. (Price Rs. 3.50).
45.	IS : 3291-1965 Specification for thread take up cams for sewing machines for household purposes	..	This standard specifies the general requirements for thread take-up cams for sewing machines used for household purposes. (Price Rs. 1.50).

(1)	(2)	(3)	(4)
46	IS: 3307-1965 Tolerance limits for industrial effluents discharged on land for irrigation purposes.	..	This standard prescribes the tolerance limits for industrial effluents discharged on land for irrigation purposes. (Price Re. 1.00).

Copies of these Indian Standards are available, for sale, with the Indian Standards Institution, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-1 and also its branch offices, at (i) Bombay Mutual Terrance, First Floor, 534 Sardar Vallabhbhai Patel Road, Bombay-7 (ii) Third and Fourth Floors, 5 Chowringhee Approach, Calcutta-12, (iii) Second Floor Sathyamurthi Bhavan, 54 General Patters Road, Madras-2 and (iv) 14/69 Civil Lines, Kanpur.

[No. MD 13:2]
D. V. KARMARKAR,
Joint Director (Marks).

MINISTRY OF HEALTH

New Delhi, the 25th February 1966

S.O. 665.—Whereas Dr. Navin Thakorlal Desai, B.D.S. (Bom.), M.S.D. (Indiana-U.S.A.), Professor of Oral Diagnosis, Government Dental College and Hospital, Ahmedabad-16, has been elected under clause (a) of section 3 of the Dentists Act, 1948 (16 of 1948) to be a member of the Dental Council of India from the State of Gujarat with effect from the 30th September, 1965;

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government hereby appoints Dr. Navin Thakorlal Desai, as a member of the Dental Council of India and makes the following further amendment in the notification of the Government of India in the Ministry of Health No. F. 3-2/62-MII, dated the 17th October, 1962, namely:—

In the said notification, under the heading "Elected under clause (a) of Section 3", after serial number 11 and the entry relating thereto, the following serial number and entry shall be inserted, namely:—

"12. Dr. Navin Thakorlal Desai, B.D.S. (Bom.) M.S.D. (Indiana-U.S.A.), Professor of Oral Diagnosis, Government Dental College & Hospital, Ahmedabad-16."

[No. F. 3-2/65-MPT.]

New Delhi, the 1st March 1966

S.O. 666.—In exercise of the powers conferred by sub-section (4) of section 13 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following amendment in Part II of the Third Schedule to the said Act, namely:—

In the said Part of the Third Schedule, after the entry "M.B.B.S. (Sind—West Pakistan)", the following entry shall be inserted, namely:—

"M.B.B.S. (Rajshahi—East Pakistan)".

[No. F. 18-47/65-MPT.]

ORDERS

New Delhi, the 24th February 1966

S.O. 667.—Whereas the Government of India in the Ministry of Health has, by notification No. 18-27/65-MPT, dated the 16th February, 1966, made in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification "Arts-Examen" University of Nijmegen (Netherlands) for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956) the Central Government hereby specifies the period of two years with effect from the date of this order or so long as Dr. Paulus Franciscus Henricus Maria Hoppener who possesses the said qualification, continues to work in the Katra Hospital, Mandla, Madhya Pradesh to which he is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. Paulus Franciscus Henricus Maria Hoppener shall be limited.

[No. F. 18-27/65-MPT.]

New Delhi, the 25th February 1966

S.O. 668.—Whereas the Government of India in the Ministry of Health has, by notification No. F. 46-21/61-MI, dated the 28th February, 1962, made in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification "Doctor of Medicine (M.D.) granted by the Western Ontario University, Canada for the purpose of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956) the Central Government hereby specifies the period of two years with effect from the date of this order or so long as Dr. Howard G. Searle who possesses the said qualification, continues to work in the Achalpur Christian Hospital, Achalpur (Maharashtra) to which he is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. Howard G. Searle shall be limited.

[No. F. 18-76/65-MPT.]

K. M. L. GUPTA, Under Secy.

MINISTRY OF WORKS, HOUSING AND URBAN DEVELOPMENT
(Works Division)

New Delhi, the 24th February 1966

S.O. 669.—In exercise of the powers conferred by clause (1) of article 299 of the Constitution, the President hereby directs that the under-mentioned instruments may be executed on his behalf by the Chief Engineer, Central Public Works Department, New Delhi, namely:—

"Indemnity Bond in connection with the refund to Shri Mangharam Parsram Tahllramani of balance of security deposit made by M/s. Sind Construction Co., Ltd. with the Government of India",

[No. Cont.(11)/3/61.]

S. CHAUDHURI, Dy. Secy.

New Delhi, the 26th February 1966

S.O. 670.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby appoints the Director of Inspection (Metallurgical), Burnpur, District Burdwan, being gazetted officer of Government, to be Estate Officer for the purposes of the said Act who shall exercise the powers conferred, and perform the duties imposed, on estate officers by or under the said Act within the local limits of his jurisdiction in respect of the Public premises viz., Government Quarter No. C-5, Government Colony, Riverside Road, P.O. Burnpur, District Burdwan.

[No. F. 32/2/66-Acc.II.]

B. M. LAL, Under Secy.

MINISTRY OF IRRIGATION & POWER

New Delhi, the 24th February 1966

S.O. 672.—In exercise of the powers conferred by rule 4 of the Central Wakf Council Rules, 1965, the Central Government hereby appoints Prof. Humayun Kabir, M.P., and H. H. Nawab Aminuddin Ahmed Khan Saheb of Loharu, as members of the Central Wakf Council in place of Shri Fakhruddin Ali Ahmed, and Shri Yousuf Mian Maharaj, who have resigned.

[No. 8(11)/65-MW.]

M. H. DIN, Dy. Secy.

New Delhi, the 26th February 1966

S.O. 672.—In exercise of the powers conferred by sub-section (1) of Section 36 of the Indian Electricity Act, 1910, the Central Government hereby appoint, with immediate effect until further orders, Shri C. K. V. Rao, Director (Commercial) Central Water and Power Commission (Power Wing) to be the Electrical Inspector for the electrical installations of the Nangal Unit of the Fertilizer Factory under the control of the Ministry of Petroleum and Chemicals (Department of Chemicals).

[No. EL.II-6(1)/66.]

R. L. MOHAN, Under Secy.

MINISTRY OF EDUCATION

New Delhi, the 23rd February 1966

S.O. 673.—In exercise of the powers conferred by Section 5 of the University Grants Commission Act, 1956, the Central Government hereby appoints Shri Satish Dhawan, Director, Indian Institute of Science, Bangalore as a member of the University Grants Commission, under Clause (c) of Sub-Section (2) of Section 5 of the said Act, with effect from the date of notification vice Pandit H. N. Kunzru, whose term of membership has since expired. Shri Dhawan shall hold office for a period of six years.

[No. F. 9-1/66-U2.]

G. K. CHANDIRAMANI, Addl. Secy.

MINISTRY OF INFORMATION AND BROADCASTING

ORDERS

New Delhi, the 19th February 1966

S.O. 674.—In pursuance of the directions issued under the provisions of each of the enactments specified in the First Schedule annexed hereto, the Central Government after considering the recommendations of the Films Advisory Board, Bombay hereby approves the films specified in column 2 of the Second Schedule annexed hereto in Gujarat to be of the description specified against each in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

- (1) Sub-Section 4 of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).
- (2) Sub-Section (3) of Section 5 and Section 9 of the Saurashtra Cinemas (Regulation) Act, 1953 (Saurashtra Act XVII of 1953).
- (3) Sub-Section (4) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Saurashtra Act XVII of 1953).

THE SECOND SCHEDULE

S. No.	Title of the film	Length 35mm	Name of the Applicant	Name of the Producer	Whether a Scientific film or a film in- tended for edu- cational purposes or a film dealing with news and current events or a documentary film.
1	2	3	4	5	6
1	Mahiti Chitra No. 63	291 M	Director of Information, Go- vernment of Gujarat, Ahmed- abad.		Film dealing with news and current events (For release in Gujarat Circuit only).

1	2	3	4	5
2	Andhakar-Man Ajwala.	304.49 M	Director of Information, Govern- ment of Gujarat, Ahmedabad.	Film intended for educational pur- poses (For release in Gujarat Circuit only).
3	Vanavasiono Vikas	365 M	Do.	Film intended for educational pur- poses (For re- lease in Gujarat Circuit only).

[No. F. 24/1/66-FP App. 1066.]

S.O. 675.—In pursuance of the Directions issued under the provisions of the enactments specified in the First Schedule annexed hereto the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the films specified in column 2 of the Second Schedule annexed hereto in all their language versions to be of the description specified against each in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

- (1) Sub-Section (4) of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).
- (2) Sub-Section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XI of 1953).
- (3) Sub-section (4) of Section 5 and Section 9 of the Saurashtra Cinemas (Regulation) Act, 1953 (Saurashtra Act XVII of 1953).

THE SECOND SCHEDULE

S. No.	Title of the film	Length 35 mm	Name of the Applicant	Name of the Producer	Whether a scientific film or a film in- tended for educa- tional purposes or a film dealing with news and current events or docu- mentary film.
1	2	3	4	5	6
1	Afava Thopwa (Hindi and Marathi)	116 M	Director of Publicity, Govern- ment of Maharashtra, Bom- bay.		Film intended for educational pur- poses (For release in Maharashtra Circuit only).
2	Vidyavani Karmaveer (Hindi & Marathi)	586.74M	Do.	Do.	Do.

[No. F. 24/1/66-FP App. 1067.]

S.O. 676.—In pursuance of the Directions issued under the provisions of each the enactments specified in the First Schedule annexed hereto, the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the film specified in column 2 of the Second Schedule annexed hereto in all its language versions to be of the description specified against it in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

Sub-Section (4) of Section 5 of the Orissa Cinemas (Regulation) Act, 1954 (Orissa Act 2 of 1952).

THE SECOND SCHEDULE

S. No.	Title of the film	Length 35 mm	Name of the Applicant	Name of the Producer	Whether a scientific film or a film intended for educational purposes or a film dealing with news and current events or a documentary film
1	2	3	4	5	6
1	Jai Jawan (Hindi and Oriya)	396·12M	Producer of Films, (Public Relations) Government of Orissa, Bhubaneswar,	Home Deptt.	Film intended for educational purposes (for release in Orissa circuit only).

[No. F. 24/1/66-FP App. 1068.]

B. GHOSE, Under Secy.

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 22nd February 1966

S.O. 677.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in respect of a complaint under section 33A of the said Act, filed by Smt. Vijayalakshmi Raman of the South British Insurance Company Limited which was received by the Central Government on the 16th February, 1966.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY

Application No. CGIT 15 of 1965

in

Reference No. CGIT 87 of 1964

Smt. Vijayalakshmi Raman, 'Prabhat', 415, Station Avenue Road, Chembur, Bombay-71—*Applicant*,

versus

South British Insurance Co. Ltd., Canada Building, Dr. D. N. Road, Bombay-1
—*Opponent*.

Re:—Complaint under section 33A of the Industrial Disputes Act, 1947 (Act XIV of 1947).

PRESENT

Shri Salim M. Merchant, Presiding Officer.

For the Applicant—Shri D. S. Nargolkar, Advocate with Shri K. S. B. Pillai, General Secretary, General Insurance Employees' Union, Bombay.

For the Opponent—Shri P. K. Rele, Solicitor of Messrs Crawford Bailey & Co., Solicitors, with Shri A. L. Gabriel, Assistant Manager.

Dated at Bombay this 14th day of February, 1966

INDUSTRY—General Insurance

STATE—Maharashtra.

AWARD

1. This is an application purporting to be under section 33A of the Industrial Disputes Act, 1947 (Act XIV of 1947) (hereinafter referred to as the Act), and has been filed by Smt. Vijayalakshmi Raman, the dismissed workman, who, admittedly, is a workman concerned in the industrial dispute bearing Ref. No. CGIT 87 of 1964, which is pending before this Tribunal. The complaint is directed against the termination of her services on 22nd October, 1964, during the pendency of the said dispute. It is admitted that the company had made no application to this Tribunal under Section 33 of the Act for permission to dismiss the applicant from service or for approval of the dismissal order.

2. The facts of the case are that the applicant joined the services of the company in March 1952 and thus had on the date of her dismissal, 13 years' service to her credit and it is admitted that except for her illness, which formed the subject matter of her dismissal, there has been no adverse remark against her in her service sheet. The immediate cause of her dismissal was an application, dated 16th October, 1964, made by her, asking for leave for a month because she was suffering from pyelonephritis, as certified by Dr. V. V. Damle, M.D., D.P.H., whose certificate she had attached to her said application. The management, in dismissing her from service by its letter of 22nd October, 1964 (Annexure A to the application), stated as follows:

"It should be clear to you from the above record and in the indifferent health that you are at present keeping, that one can never be sure of your regular attendance, and however genuine may be the reasons for your absence, we do not think it is in the interest of the company to continue you in the service. You must appreciate that you have been employed to render service and attend regularly for work and your absence results in disorganisation of the comptists' work and consequently the work of the whole office."

"In the circumstances, we regret to give this notice that with effect from the close of working hours today your services stand terminated."

3. In the said letter the company had produced the following leave record of the applicant since 1961 to 14th October, 1964, with which I shall deal presently.

Year	Casual Leave	Sick Leave	Privilege Leave	Special Maternity Leave	Total
1961	9½	1	30	60	100½
1962	4	6½	30	80	120½
1963	9½	10½	30	—	50
1964	1½	47½	30	70	149
(upto 14-10-64)					

4. It is necessary to state that the applicant was a spinster when she joined service of the Company in March 1952, but married in 1960, and was granted special maternity leave of 60, 80 and 70 days in 1961, 1962 and 1964, as shown in the above statement. Under the Company's service rules, she was entitled to 30 days' privilege leave, 10 days' casual leave and also to sick leave. There is no provision for maternity leave provided under the Company's rules.

5. The applicant in her complaint, dated 18th February, 1965, has urged that the termination of her service was illegal and improper, because the company had not complied with the provisions of Section 33 of the Act. She has further urged that she had put in over 13 years' service with the opposite party and her record of service was quite clean and unblemished; that she had always discharged her duties very efficiently and to the entire satisfaction of her superiors; and her leave record had throughout been very satisfactory. She has stated that the maternity leave of 60, 80 and 70 days which she was granted in 1961, 1962 and 1964 respectively, was below the total entitlement of 6 weeks pre-natal and 6 weeks post-natal leave to which she was entitled to for each confinement under the Company's terms and conditions of service; she has also stated that she had not availed of other leave to which she was entitled beyond the permissible limit; that prior to 1960 she had hardly availed of any sick leave or any other kind of leave except privilege leave, and that too, only upto the permissible limit; that

the Company encourages its employees to avail themselves of privilege leave during the year itself in as much as they prepare a leave roster indicating the period when any particular employee should avail of privilege leave; that in fact, till the Memorandum of Settlement, dated 29th September, 1960 was signed, the employees were not even entitled to accumulation of privilege leave.

6. Her case is that on 2nd September, 1964, she was suffering from pyelo nephritis and as such, she was unable to attend to her duties, and that she submitted a written application, dated 16th October, 1964, asking for a month's leave, which was supported by a medical certificate of Dr. V. V. Damle, M.D., D.P.H. She has alleged that the management terminated her services as a measure of punishment for remaining absent from duty; that the action of the opposite party in terminating her services was improper, mala fide and an act of trade union victimisation, and that the opposite party did not terminate her services in ordinary course, but in pursuance of the policy to victimise the members of the General Insurance Employees' Union, Bombay (hereinafter referred to as the Union) for one reason or other; that the opposite party had victimised one Shri T. K. R. Pillai (the industrial dispute over whose dismissal is pending before this Tribunal), and charge-sheeted a number of other trade union workers. She has, therefore, claimed that she is entitled to be reinstated in service with full back wages and continuity of service.

7. The Company in its written statement in reply, has urged that the services of the complainant were terminated on 22nd October, 1964, because it was clear from the leave record of the complainant and the indifferent health that she was keeping, that the Company could never be sure of her regular attendance and, therefore, in the interest of the Company's work, it thought it fit to terminate the complainant's service, as her absence disorganised the comptists' work, and consequently, the work of the whole office—the Company having only two Comptists including the complainant. The Company has, as a preliminary objection to the maintainability of this complaint, contended that the complainant's services were not terminated for any misconduct, but it was discharge simpliciter, and, therefore, there had been no contravention committed by it of either Sec. 33(3)(b) or 33(2)(b) of the Industrial Disputes Act, 1947, and the other submissions made by it on the merits have been without prejudice to this contention.

8. On the merits, the Company's case is that the complainant was appointed as a Probationer on 10th March, 1952, and her services were terminated because:—

1. Her leave record as set out above was not satisfactory.
2. Her indifferent health rendered it impossible for the Company to be sure of the complainant's regular attendance, and
3. Her absenteeism resulted in disorganisation of the Comptists work and consequently the work of the whole office.

9. Though in para 5 of its written statement, the Company had denied that the complainant was a workman concerned in the Industrial Dispute Ref. No. CGIT 87 of 1964, which is pending before this Tribunal, at the hearing Shri Rele, the learned Solicitor for the Company, very fairly conceded that she was a workman concerned in the dispute. In para 6 of its written statement, the Company has denied that it was required to file any application for its action for terminating the complainant's services due to the reasons stated in its letter of 22nd October, 1964; in para 7 of its written statement the Company has stated that the complainant's leave record is unsatisfactory, and has further stated that the complainant's service record is totally irrelevant to the questions in issue before this Tribunal. The Company has denied the statements contained in para 6 of the application, where the complainant has stated that she has put in 13 years service, and that her previous records of service are clean, and that she had been discharging her duties efficiently and to the entire satisfaction of her superiors, and that her leave record has been satisfactory.

10. The Company had denied that the female employees employed by it are entitled to and are allowed maternity leave at the rate of six weeks pre-natal and six weeks post-natal, and that the management has always declined to accede to the Union's demand for maternity leave, and it has stated that if necessary, it will produce its correspondence with the Union to prove this. It has further stated that the Company adopts a sympathetic attitude and on considering each individual case on its merits grants special leave whenever it considered in its discretion, that such leave should be granted. The opposite party has denied that its employees are entitled to maternity leave as of right, or that there are any existing terms and conditions of service relating to them as alleged by the complainant. The Company has denied that the complainant has

not availed of leave beyond the permissible limits. The Company has said that the opposite party's leave record has been very unsatisfactory. It has submitted that it encourages its employees to avail of the privilege leave every year, but has urged that it is neither fair nor reasonable for any employee to take advantage of the generosity of the Company by availing of additional special leave for the purposes of maternity and also the earned leave. The Company has submitted that the correct facts are that the complainant remained absent from 2nd to 11th September, 1964, on the ground that she was suffering from chronic asthma and was, therefore, unable to attend duty. As her application for leave was supported by a medical certificate and the diagnosis was confirmed by the Company's doctor, to whom she was sent by the Company on 7th September, 1964, she was granted the leave she had applied for; that the complainant applied for extension of leave from 12th to 18th September, 1964, which was accompanied by her doctor's certificate, which extension was also granted; that she was examined by the company's doctor who found her fit and asked her to resume duty on 19th September, 1964. She however, did not report for duty on 19th but sent in an application for 10 day's leave supported by her own doctor's certificate and the Company's doctor's on the 24th September, who advised the complainant to resume duty on the 29th September. On 26th September, the complainant produced a medical certificate from her own doctor that she had become ill, and was physically unfit to move about, and advised rest for at least two more weeks. She was examined by the Company's doctor on 26th September, who advised her to report for duty on 29th September, 1964, which she refused to do. The Opposite Party by its letter dated 5th October, 1964, asked the applicant to report for duty at 9.45 a.m. the next day, otherwise action will be taken, and that if she felt that she was ill, arrangements would be made for her immediate medical examination in company with her own physician should she so desire. Thereafter, the Company asked the complainant to report at the Breach Candy Hospital on 8th October, 1964, for examination by Dr. Meher Homji, accompanied by her own physician if she so desired, and the Company's transport was sent to convey her to the hospital. According to the Company, Dr. Meher Homji found her completely normal and was of the opinion that she could resume duty on Monday, the 12th October. The complainant reported for duty on 12th October. After working for about two hours, she left the office stating that she was not feeling well, and subsequently got a medical certificate from her own doctor certifying that she was suffering from pyelo nephritis, and who advised that she needed one month's leave along with treatment. The Company has on these facts submitted that, "in view of the continued absence of the complainant on the ground of sickness and having regard to the nature of her illness, certified by her own doctor, namely, chronic asthma and pyelo nephritis which is a disease of the kidney), it was apparent that the complainant's indifferent health did not permit her to attend regularly for work and, therefore, the opposite party had no choice but to terminate her services". The Company offered to pay the complainant her dues including one month's salary in lieu of notice and to request the Trustees to pay the Company's contribution to her provident fund, although, according to the rules of the Company's Staff Provident Fund, the complainant was not entitled to the Company's contribution, and that the Company also offered to pay her gratuity and bonus *ex-gratia* at the rates prescribed. The company has finally denied that the termination of the services of the complainant was improper or *mala fide* or amounted to an act of victimisation for trade union activities or that the action of dismissal was not taken in ordinary course of business or that the action taken was for reasons of any alleged action of the said union or otherwise. It has denied that the opposite party had victimised the said Shri T. K. R. Pillai or that it had charge-sheeted a number of trade union workers. The Company has stated that as far as the dismissal of Shri Pillai was concerned, the dispute concerning his dismissal is pending before this Tribunal and that these allegations have been made only with the view to prejudice this Tribunal against the Company.

11. The Company has stated that if any of its employees has been charge-sheeted then they were charge-sheeted for acts of misconduct committed by them, and no charge-sheet has been issued by the opposite party to any employee because of his trade union activities. The Company has, therefore, submitted that the complainant is not entitled to any re-instatement in service with back wages or continuity of service. It was denied that the complainant is entitled to any relief prayed for in the complaint.

12. At the hearing, neither party led any oral evidence, but the management filed a compilation of 25 documents mainly consisting of the letters which were exchanged between the Company and the complainant, to which reference has already been made.

13. The first question that falls for determination on the pleadings of the parties, and which was argued at the hearing as a preliminary legal issue, is whether this is a case of discharge simplicitor or a case of dismissal for misconduct. The Company has urged that this is a case of discharge simplicitor and not one of discharge for misconduct, and therefore, it was not necessary for it to make an application under Sec. 33(2)(b) of the Act for approval of the tribunal before terminating the services of the complainant; that there was no violation of Sec. 33 of the Act, because the proviso to Sec. 33(2) does not apply to cases of discharge simplicitor, and therefore, this complaint under Sec. 33A of the Act was not maintainable. Now, Sec. 33 and Sec. 33A are in the following terms:—

33(1) During the pendency of any conciliation proceeding before a conciliation officer or a Board or of any proceeding before a Labour Court or Tribunal or National Tribunal in respect of an industrial dispute, no employer shall:—

(a) in regard to any matter connected with the dispute, alter, to the prejudice of the workmen concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceeding; or

(b) for any misconduct connected with the dispute, discharge or punish, whether by dismissal or otherwise, any workmen concerned in such dispute,

save with the express permission in writing of the authority before which the proceeding is pending.

(2) During the pendency of any such proceeding in respect of an industrial dispute, the employer may, in accordance with the standing orders applicable to a workman concerned in such dispute,—

(a) alter, in regard to any matter not connected with the dispute, the conditions of service applicable to that workman immediately before the commencement of such proceeding; or

(b) for any misconduct not connected with the dispute, discharge or punish, whether by dismissal or otherwise, that workman:

Provided that no such workman shall be discharged or dismissed, unless he has been paid wages for one month and an application has been made by the employer to the authority before which the proceeding is pending for approval of the action taken by the employer.

(3) Notwithstanding anything contained in sub-section (2), no employer shall, during the pendency of any such proceeding in respect of an industrial dispute, take any action against any protected workman concerned in such dispute:—

(a) by altering, to the prejudice of such protected workmen, the conditions of service applicable to him immediately before the commencement of such proceedings; or

(b) by discharging or punishing, whether by dismissal or otherwise, such protected workman,

save with the express permission in writing of the authority before which the proceeding is pending.

Explanation.—For the purposes of this sub-section, a “protected workman”, in relation to an establishment, means a workman who, being an officer of a registered trade union connected with the establishment, is recognised as such in accordance with rules made in this behalf.

(4) In every establishment, the number of workmen to be recognised as protected workmen for the purposes of sub-section (3) shall be one per cent of the total number of workmen employed therein subject to a minimum number of one hundred protected workmen and for the aforesaid purpose, the appropriate government may make rules providing for the distribution of such protected workmen among various trade unions, if any, connected with the establishment and the manner in which the workmen may be chosen and recognised as protected workmen.

(5) Where an employer makes an application to a conciliation officer, Board, Labour court, Tribunal or National Tribunal under the proviso to sub-section (2) for approval of the action taken by him, the authority concerned shall, without delay, hear such application and

pass, as expeditiously as possible, such order in relation thereto as it deems fit.

- 33A. Where an employer contravenes the provisions of section 33 during the pendency of proceedings before a (Labour Court, Tribunal or National Tribunal), any employee aggrieved by such contravention, may make a complaint in writing, in the prescribed manner to such Labour Court, Tribunal or National Tribunal and on receipt of such complaint to that Labour Court, Tribunal or National Tribunal shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act and shall submit its award to the appropriate government and the provisions of this Act shall apply accordingly.

14. In support of this contention, Shri Rele, the learned Advocate for the Company, has relied upon the decision of the Division Bench of the High Court of Bombay (Shri Patel, J. and Shri Kantawala, J.) in the case of National Machinery Manufacturers and Vyas (P.D.) and Another (1964 1 LLJ, page 624) where their Lordships held that grammatically it would seem that the words "for any misconduct" used in the Sec. 33(2)(b) of the Act qualifies the verbs "discharge, dismiss or punish" used in the said sub-clause; the words "such workman" in the proviso refers to such workman as is referred to in clause (b) i.e. "one who has or is being punished for misconduct". After analysing the provisions of Sec. 33(2)(b) and Sec. 33(3)(b) their Lordships held:—

"therefore, under clause (b) of sub-section 3 the discharge is intended to be any discharge whatever be the ground, while the discharge under clause (b) of sub-section 2 of section 33 is intended to be for any misconduct which is not connected with the dispute. Hence the application for approval would be necessary if the order of discharge is made for reasons of misconduct."

Their Lordships therefore held that an application for approval under Sec. 33(2) (b) would not be necessary if it was a case for discharge simplicitor and not of dismissal for any misconduct. It was, however, held, on the facts of that case, that the case was wholly one of discharge for misconduct, and therefore, the provisions of the proviso to Sec. 33(2)(b) applied, and as no application for approval was made by the employer, there was a contravention of Sec. 33 of the Act. For this reason, the writ petition of the applicant company was dismissed.

15. In the case of Tata Oil Mills Company Ltd. versus Its Workmen and Another (1963, 2 S.C.R. at page 125) their Lordships of the Supreme Court have held that whether a particular case is a case of discharge simplicitor or a case of discharge for misconduct is a question of fact, which the Tribunal has jurisdiction to determine. The facts of that case were that the services of one Bannerjee who was an employee of the Appellant Company were terminated on the ground that the Appellant Company had lost confidence in him, and in lieu of notice, he was paid one month's salary. The Union to which Bannerjee belonged took up the matter, and on the failure of the parties to reach a settlement, the matter was referred to an Industrial Court by Government. The Company contended before the Tribunal that the Order of termination of service of Shri Bannerjee was an order of discharge, which it was competent to make under rule 40(1) of its service rules. It was contended by the Respondents that the termination was not discharge simplicitor, but was in substance, dismissal, and that the Tribunal held that it has jurisdiction to look into the reasons behind the discharge of the employee, and upon such examination, came to the conclusion that no *mala-fides* on the part of the employer had been proved, and that the termination did not amount to victimisation or unfair labour practice. Even so, it held that the discharge was not justified, and directed the reinstatement of Shri Bannerjee. Their Lordships of the Supreme Court, in dealing with the contention whether the Tribunal has jurisdiction to decide whether the case was one of discharge simplicitor or one which amounts to dismissal which has put on the cloak of discharge simplicitor, observed as follows:—

"The true legal position about the Industrial Court's jurisdiction and authority in dealing with cases of this kind is no longer in doubt. It is true that in several cases, contract of employment or provisions in Standing Orders authorise an industrial employer to terminate the service of his employees after giving notice for one month or paying salary for one month in lieu of notice, and normally, an employer may, in a proper case, be entitled to exercise the said power. But where an order of discharge passed by an employer gives rise to an

industrial dispute, the form of the order by which the employee's services are terminated, would not be decisive; industrial adjudication would be entitled to examine the substance of the matter and decide whether the termination is in fact discharge simpliciter or it amounts to dismissal which has put on the cloak of a discharge simpliciter. If the Industrial Court is satisfied that the order of discharge is punitive, that it is *mala fide*, or that it amounts to victimisation or unfair labour practice, it is competent to the Industrial court to set aside the order and in a proper case, direct the reinstatement of the employee. In some cases, the termination of the employee's services may appear to the Industrial Court to be capricious or so unreasonably severe that an inference may legitimately and reasonably be drawn that in terminating the services, the employer was not acting bona fide. The test always has to be whether the act of the employer is *bona fide* or not. If the act is *mala fide*, or appears to be a colourable exercise of the powers conferred on the employer either by the terms of contract or by the standing orders, then notwithstanding the form of the order, industrial adjudication would examine the substance and would direct reinstatement in a fit case. This position was recognised by the Labour Appellate Tribunal as early as 1951 in *Buckingham and Carnatic Co. Ltd., v. Workers of the Company* and since then, it has been consistently followed *vide* *Chartered Bank, Bombay v. Chartered Bank Employees' Union* and *U B. Dutt & Co. (Private) Ltd. v. Its Workmen*."

However, on the merits of the case, Their Lordships held that as the reasons given by the Tribunal in support of his conclusion were wholly unsatisfactory, its order must be set aside.

16. Now, from these observations, it is quite clear that it is the tribunal's jurisdiction to decide whether in any particular case on the facts, the order terminating services of a workman is a mere order of discharge simpliciter or an order of dismissal. The tribunal must examine the substance of the matter and decide whether the termination in fact is discharge simpliciter or a case of dismissal under the cloak of discharge simpliciter, the test being whether the act of the employer is *bona fide* or whether it is *mala fide*, and a colourable exercise of the powers conferred by the terms of contract or by the Standing Orders. That the tribunal would be justified in interfering with the order of the employers if the termination of the services of the employer is capricious or so severe that an inference may reasonably be drawn that in terminating the services the employer was not acting *bona fide*. The test always being whether the act of the employer is *bona fide* or not.

17. Now, in this case, it is admitted that there are no certified standing orders in the Company. Therefore, we have to see whether the terms of the contract of service make this action of the employer company an act of discharge simpliciter or one of dismissal for misconduct.

18. I shall, therefore, analyse the admitted facts of the complainant's service, and the events that led to her dismissal from service.

19. The complainant, Shrimati Vijayalakshmi Raman, admittedly joined the service of the Applicant Company on 8th February, 1952, as an apprentice Comptroller, in which post she was later confirmed. She was then a spinster. She got married in 1960 whilst in service. Her service record, particularly the leave she had taken from 1952 to 1960, has not been forthcoming from the Company which has given particulars of her leave only from 1961 to 1964. This is, I think, a rather surprising omission. Because the complainant had, on the date of the termination of her service, put in as many as 13 years of continuous service, and the leave that she had taken from 1952 to 1960 has to my mind, an important bearing on considering whether the action of the management in terminating her service was *bona fide* or otherwise. In the absence of anything on record that she had during 1952 to 1960 availed herself of any extra leave than she was entitled to under the Company's rules, it must be presumed that her leave record during that period was clean. However, Shrimati Raman's difficulties appear to have started after her marriage and the confinements that followed it. The Company's leave rules applicable to its staff are on record. They constitute the terms and contract of service regarding leave. These leave rules came into force on January, 1958, and they provide for privilege leave of 3 weeks in the year, for those who have put in 10 years of service in the Company and of one month for those who have put in 10 years service and over. I may pause and state that as Shrimati Raman had put in 13 years service at the time of her dismissal,

she was entitled to one month's privilege leave in the year. With regard to casual leave, the provision is for 10 days casual leave for every 12 months, it being understood that casual leave would be available by the staff mostly with prior permission, as far as practicable. With regard to sick leave, there is no specific period of sick leave provided, but the sick leave rules provide for "sick leave for a considerable time in the case of major sickness". Since the question of sick leave has played the crucial role in this case, I think it proper to reproduce the entire provision with regard to sick leave, which is as follows:—

"Sick leave for major sickness requiring the staff to be in for a considerable time will be sympathetically gone into by the manager and will be decided on the merits of each case heretofore.

- (b) sickness reported without certificate from a competent medical practitioner for a day will be scrutinised by the manager and classified as sick leave or casual leave and will be treated accordingly, namely, as a debit towards sick leave or casual leave. But the staff exhausts their full quantity of casual and sick leave before the end of the year and absent themselves from duty on any pretext thereafter, they will be considered to have made a draw on their privilege leave."

20. I may pause here and notice that though the provision of sick leave speaks of "their full quantity of casual leave and sick leave" it was the company's case that there is no quantity of sick leave in each year. It is also necessary to state that as stated earlier, it is admitted that Shrimati Raman was a permanent employee, and that the age of retirement prescribed in this company for the staff is 58 years. It is also admitted that the Company encourages its workmen to take full privilege leave in the year for which the privilege leave is earned.

21. Now, an analysis of the periods of different kinds of leave which Shrimati Raman had availed herself of in 1961, 1962, 1963 and 1964, shows the following result:—

Year	1961	1962	1963	1964 (upto 14-10-64)
Sick leave	1 day	6½ days	10½ days	47½ days
Casual leave	9½ days	4 days	9½ days	1½ days
Priv lege leave	30 days	30 days	30 days	30 days
Maternity leave	60 days	80 days	..	70 days

Now, with regard to maternity leave, it is admitted that the provisions of the Maternity Benefit Act do not apply, as that statute applies only to women workers in factories. It is admitted that the Company has no fixed period of maternity leave under its rules. Maternity leave is given for for such days as the management thinks is proper and justified in each case. That also counts for the varying periods of maternity leave granted to the complainant during the years 1961, 1962 and 1964. It is significant to note that for the year 1961, she was granted special maternity leave of 60 days in all, of which 30 days were leave with pay and 30 days leave without pay.

22. It will thus be seen, from the above analysis, that there is nothing unusual in the length of the period of maternity benefit granted by the company for each confinement of Shrimati Raman. It is also admitted that maternity leave for 70 days granted in 1964 was granted by the Company without demur and also that the 30 days privilege leave she took for that year was also what she earned because of her attendance in the previous year, and that she was granted the privilege leave of 30 days in 1964 without demur and because it is the practice of the company to encourage its staff to take the full privilege leave as and when it became due. There was, therefore, nothing unusual in the casual leave, privilege leave and maternity leave which Shrimati Raman had availed of in the years 1961, 1962, 1963 and 1964, inasmuch as she had not in any of those years exceeded any of those leaves she was normally entitled to and which the Management had granted to her. In fact, in 1961, 1962 she had enjoyed only 1 day and 6½ days sick leave. Similarly in the matter of casual leave, she had not in any of the years, taken more casual leave than her service rules permitted her and had in fact in 1962 taken only 4 days casual leave and in 1964 (uptil 14th

October, 1964) only 1 day's casual leave. The only reasonable conclusion to draw from the leave statement of Shrimati Raman on which the Company so heavily relies is that in each of the years 1961, 1962 and 1963, Shrimati Raman had in respect no kind of leave exceeded the limits of the leave prescribed by her contract of service.

23. It is next necessary to analyse in detail the 47½ days sick leave upto 14-10-1964 which Shrimati Raman had availed herself of in 1964. The first important thing to note about this leave is that it was granted by the management on it being satisfied of the genuineness of the illness from which Shrimati Raman had suffered from the 2nd September, 1964 to 12th October, 1964. From the medical certificates from Shrimati Raman's doctor—Dr. H. D. Patil—and the certificates issued by the Company's own doctor, Dr. H. R. Manchanda, dated 7th and 17th September, 1964, it is clear that at first she had suffered from bronchial asthma. Dr. Manchanda's certificate of 17-9-1964 stated that when he examined her on 16-9-1964 she had completely recovered from bronchial asthma. It appears that from about 12th September, 1964, Shrimati Raman had suffered from an attack of fever. Dr. H. R. Manchanda, who examined her on 17th September, 1964, advised her to resume work on Saturday, the 19th September, but Shrimati Raman again had an attack of fever, as certified by Dr. H. D. Patil, who, by his certificate dated 18-9-1964, certified that she had developed high fever seven days back, and that though she had no fever on 18-9-1964, she was advised to rest. The Company, by its letter dated 22nd September, 1964, called upon Shrimati Raman to resume duty on the strength of the certificate dated 17th September, 1964, issued by the Company's doctor, Dr. H. R. Manchanda. That Shrimati Raman had suffered from high fever is clear from the certificate dated 26-9-1964 issued by her own doctor, Shri H. D. Patil, as also from a certificate issued by the Company's doctor, Dr. H. R. Manchanda, bearing no date, but in which he has recorded that he visited her on 10th September 1964 at her residence, and had examined her again on the 24th September, when she had come to his rooms with her own doctor's letter. In this certificate, there is a reference to Shrimati Raman having complained of running high fever, breathlessness, and general weakness, and to her own doctor's letter to Dr. Manchanda in which he had stated that she had high fever subsequent to his (Dr. Manchanda's) visit to her at Chembur on 16th September, 1964. It is significant that in the letter dated 10-10-1964 of Dr. Mehar Homji of the Breach Candy Hospital and Nursing Home addressed to Mr. Gabriel of the Company, that doctor had stated:—

"Thanks for your kind reference to Shrimati Raman. She was examined by me today—history revealed an attack of bronchial asthma early September that lasted for over a week followed by temperature which according to her doctor's resembled enteric fever. However, today, she was completely normal on physical examination. Her respiratory, cardio-vascular, nervous and elementary systems did not reveal anything abnormal. In my opinion, she is fit to resume duty on Monday, the 12th October, 1964" (underlining mine).

24. Pausing here for a moment, it is clear from the medical certificates on record that from 2nd September, 1964 for about a week, Shrimati Raman had suffered from bronchial asthma, and later she had suffered from high fever, which, according to her doctors, resembled enteric fever. Therefore, she was not continuously ill, suffering from asthma from the 2nd September, to the 12th October, 1964, but had a week or so after the 2nd of September, 1964, suffered from high fever, which resembled enteric fever. In any case, according to the Company's own doctor's certificates, dated 10th October, 1964, she was not in a fit condition to attend to her duties till the 12th October, 1964. Therefore, the Company's letter dated 5th October, 1964, by which she was called upon to resume duty by 9:45 A.M. on the next day, i.e. 6-10-1964, and in which she was threatened that unless she reported for duty the next day, "action would be taken against her", was clearly not justified by the Breach Candy Hospital and Nursing Home's doctor's certificate dated 10th October, 1964. I shall have occasion to deal with this letter of the Company dated 5-10-1964 in some detail a little later. But to continue, it appears that again from 13th October, 1964, Shrimati Raman suffered from high fever, and she produced her doctor's certificate dated 13-10-1964, which was supported by the certificate of a consultant, Dr. V. B. Damle, M.D., D.P.H., dated 15-10-1964 in which he stated that she was under his treatment and was suffering from pyelo nephritis, and in which he stated that he had advised her to rest for one month and receive treatment. This certificate was forwarded to the Company along with her brother-in-law's letter dated 16-10-1964 in which he stated that Shrimati Raman was not in a position to go about, and therefore, unable to attend office. To this, the Company replied on the 22nd October, 1964, in which, after reproducing her leave record from 1961 to 14-10-1964 as reproduced above, the

Company after acknowledging receipt of the letter of 16th October, 1964 and the certificate of Dr. V. B. Damle, M.D. D.P.H. had stated the two reasons for terminating Shrimati Raman's service, which I feel could well be extracted in full at this stage:—

"You are aware that you are engaged in a specialist position in the Company that of a comptist, and since the company in all employs only two comptists through whom all calculation work in the office passes, your absence causes a considerable amount of inconvenience in that work accumulates and is delayed and moreover suitable substitutes cannot be found and they require instructions and added supervision in their work.

It should be clear to you from the above record and the indifferent health that we can never be sure of your regular attendance, and however genuine may be the reasons for your absence, we do not think it in the Company's interest to keep you in service. You must appreciate that you have been irregular, and your absence results in disorganisation of the comptist work and the circumstances, we regret to give you this notice that with effect from the close of working hours today, your services stand terminated. You will be paid one month's salary in lieu of notice, and we are advising the Trustee's of the termination of your service herein. From them you will get a remittance in settlement of your provident fund dues."

This is the letter by which Shrimati Raman's service was terminated.

25. Pausing here again for a moment to recapitulate facts, upto 12-10-1964 the Company had granted sick leave to Shrimati Raman from 2-9-1964 on being satisfied by medical certificates of her doctors and the Company's own doctors that she had not been fit to attend duty till 12-10-1964. On 13th October, she evidently suffered from pyelo nephritis, in support of which she produced a certificate not only from her own family doctor, but also from a consultant of standing, Shri V. B. Damle, M.D., D.P.H. The Company does not dispute the genuineness of her illness. But it refused to grant one month's leave she applied for on the grounds stated in its letter dated 22nd October, 1964, the grounds being that she was working in a specialist position, that of a comptist, and that as there were only two comptists in the office, her absence was disorganising office work, and that her leave record showed that she was suffering from indifferent health and the Company could not be sure of her regular attendance, however genuine may be the reasons of her absence. With these two reasons mentioned by the Company I shall deal presently. But to continue with the sequence of events, on 23-10-1964 the Company sent to Shrimati Raman a statement of her dues amounting to Rs. 2,656.69. Later, on 29-10-1964 the Company informed her that she was entitled to Rs. 1,843.03 representing her contribution plus interest on her provident fund account. In that letter it was stated that though under the rules she was not entitled to the Company's contribution, the Company was offering her the same, amounting Rs. 1,889.11, as an *ex-gratia* payment in lieu of the Company's contribution. Shrimati Raman on 3-11-1964 in reply to the Company's letter of 22nd October, 1964, contended that her services had been terminated without prior notice or intimation, and that the termination was itself illegal and wrongful, that the reason stated by the Company in justification of its action was neither reasonable nor sufficient. She contended that she was a permanent employee and her services could not be terminated in the manner and on the grounds on which the Company had terminated the same. She said that she was ill and had been undergoing treatment as stated in the medical certificates forwarded by her; that her leave record since 1961 as quoted did not reveal any abnormality. She stated that on the contrary it showed that she has surrendered a considerable portion of her casual leave and had availed herself of only 18 days sick leave in the three years 1961, 1962, and 1963 taken together. She has stated that the inconvenience and difficulties referred to in paragraph 2 of the Company's letter of 22nd October, 1964 were hardly genuine, as no such inconvenience or difficulties were experienced in the past when she was granted leave. She stated that the Company's inference from the record of leave in 1964, that she was keeping indifferent health, and the employer could not be sure of her regular attendance was unrealistic and not *bona-fide*, and did not justify the Company's statement that the granting of further sick leave applied for by her would be prejudicial to the interests of the Company. She stated that the Company had acted vindictively and that there were ulterior motives, and that the grounds mentioned for terminating her services were neither genuine nor *bona-fide*. She therefore requested the Company to withdraw the letter of dismissal dated 22-10-1964, and to grant further leave applied for. To this letter the Company gave no reply.

26. From the above facts it is clear that after having allowed her sick leave upto 12th October, 1964, because of illness which was supported by the medical certificates of Shrimati Raman's doctor as well as the Company's doctor, the Company refused to entertain applications for further leave. The genuineness and correctness of the certificates which accompanied her application for further one month's leave are not question by the Company. The Company has in its letter of 22nd October, 1964 indicated that it was not challenging the genuineness of her illness. The question is, therefore, whether without any opportunity to her to show-cause the Company can be deemed to have been justified in terminating her services, because she continued to be ill after 12th October, 1964, for the two reasons urged by the Company in its letter of the 22nd October, 1964 and in its written statement in justification of the termination of the services of Shrimati Raman. The first of these two reasons is that she was not an ordinary employee, she being employed in a specialist position of a comptist. No doubt, it is the employers' right to decide how it shall organise its work. Shri Rele for the Company has relied upon the decision in the case of Crompton Parkinson and Co. and Its Workmen (1959 II LLJ, page 382 at page 387) in support of his contention that an employer has the right to decide how best it shall organise its work, and that it was not open for a Tribunal to substitute its own judgement for what is commercially justified. But that case related to a dispute with regard to payment of bonus, and the question was whether a particular item of expenditure was justified as a proper expenditure or not, and their Lordships in their judgement observed as follows:—

"In the absence of cogent and compelling evidence leading to the definite conclusion and finding that a purported expenditure was sham or had been made with the exprous object of minimising profits with a view to deprive the workmen of their bonus, it is no part of the duty of the industrial tribunal to substitute its own judgement as to what was or was not commercially justified in place of the judgement exercised by the Company and its directors in whom in law the management of the Company is confided".

But in this case there is no evidence, except the bare statement in the letter of dismissal dated 22nd October, 1964, that the work of the office was disorganised because Shrimati Raman, who was a comptist, had remained absent. The Company has led no evidence on that point whatsoever, and Shrimati Raman's statement in her letter of the 3rd November, 1964, stating that that reason was not valid because in the past when she had been granted leave the work of the office had not been disorganised, has not been challenged by the Company. It is difficult to accept the plea that because a comptist remains absent (and that too because of genuine sickness) the Company's work got so disorganised as to justify the termination of her services. There is no authority cited in support of the proposition that comptist's is a specialist's job. It may be that a number of temporary comptists may have had to be employed and that special instructions are necessary to be given for the work of a comptist in this office, but that would, in my opinion, not justify the Company's terminating the services of a permanent employee who has put in 13 years service continuously, and who has for the first time during her service taken sick of 47½ days in the year and had applied for another 30 days leave, which was supported and justified by medical certificates. There is nothing on record to show that her illness was such that she could not have returned to work within 30 days as certified by a registered medical practitioner—an M.D. of standing in the city. The Company has not challenged the correctness of this medical certificate. In fact, in its letter of dismissal, it accepts the genuineness and correctness of it. I am, therefore, not satisfied that the Company's plea that it had taken this action against Shrimati Raman in the interests of its own business, can be said to be justified.

27. Nor am I satisfied that the Company is justified in stating that her past record of leave (as stated in its letter of 22nd October, 1964 and which I have reproduced above in this Award) justified its apprehension that it could never be sure of regular attendance on the part of Shrimati Raman in the future. As I have shown, her illness, from the 2nd September till 12th October was due to the two types of illnesses, one bronchial asthma and thereafter an attack of high fever, which her doctors were inclined to think was enteric fever. Enteric fever is infectious, and any person may get it. It is unfortunate that it came simultaneously with her earlier attack of asthma. The subsequent illness was of a different nature, and the nature of that illness is not challenged by the Company. The Company overlooked the provisions regarding sick leave which admittedly applied to Smt. Raman, and paid no heed and gave no consideration to these in terminating her services. I have quoted the said rule earlier, and reading the provisions of sick leave, it is quite clear that the sick leave contemplated by the Company's service rules was of "major sickness requiring the staff to be away

for considerable time". From the leave record of Shrimati Raman, it is clear that this is the first time that Shrimati Raman had suffered a major sickness and had applied for such leave in her 13 years service with the Company. If the proposition of the Company were to be accepted, then at no time in the service of the Company would any employee be entitled to any long leave, which is contrary to the spirit of its own rules with regard to grant of sick leave. If the two propositions urged by the Company were to be accepted, then no employee, however, long his or her service, could claim long sick leave and would stand to have his or her services terminated on the first occasion when he or she suffers from a long illness necessitating his or her absence from work. The Company could have, if it was really sympathetic towards the illness from which Shrimati Raman was suffering, granted her leave without pay. As stated by the Hon'ble Supreme Court in the case of Tata Oil Mills' case cited above, whether a particular action is *bona-fide* or *mala-fide* can be determined from the severity of the punishment inflicted. In my opinion, the extreme punishment of termination of service of Shrimati Raman, in the facts and circumstances of the case, as stated above, cannot be considered *bona-fide*, and must necessarily be held to be *mala-fide*. This is a fit case in which, on the admitted facts, the punishment is so unreasonably severe that the inference may legitimately and reasonably be drawn that in terminating the services of Shrimati Raman, the employers had not acted *bona-fide*. It appears to me that the act of the Company in terminating the services of the Company and the reasons therefore are a colourable exercise of the powers conferred on the employers by the terms of contract. In my opinion, on an examination of the substance, this dismissal order cannot be sustained. It cannot be held to be a simple termination i.e. discharge simpliciter, but must be held to be a punitive action or action by way of punishment for a misconduct. It is clear from the Company's letter of the 5th October, 1964, that it intended to take punitive action against Shrimati Raman, because in that letter she was warned that unless she reports for duty by 9:45 a.m. on 6th October, 1964, "otherwise action will be taken". Shri Rele for the Company has argued that what was meant by this expression "otherwise action will be taken" meant that the Company would have to send her to the Breach Candy Hospital and Nursing Home if she failed to report herself for duty by 9:45 a.m. on 6th October, 1964. I am not satisfied with this explanation, which seems an afterthought. Surely, read as a whole and in the context, the expression could only mean that the Company treated her absence as a misconduct, for which the action of punishment would follow. For the reasons stated above, it appears to me that the termination of her service was clearly a case not of discharge simpliciter, but of punitive action of dismissal for her absence which was in fact treated as a misconduct. It was, therefore, an action for misconduct, for which approval of the Tribunal by an application under Sec. 33(2)(b) was necessary, and the Company having failed to make that application, this complaint under Sec. 33A is, in my opinion, maintainable.

28. Shri Rele has urged that even if it is held that there is an element or colour of action for misconduct, the Company in that event had two remedies open to it; one, an action for misconduct, and the other, the right to terminate the contract of service; and since the Company had used the latter remedy, it was not open for the complainant to contend that there was a colour of misconduct. He has submitted that there was no reason why the Company was bound to take an action against misconduct. In that connection, he was relied upon the decision of the Hon'ble Supreme Court in the case of Buckingham and Carnatic Co. Ltd. versus Venkatayya and another (1963 II LLJ, page 638 at page 642). I do not think that that decision is applicable on the facts. That was a case of a construction of the term of the Standing Orders, and the question was whether absence for certain number of days had amounted to relinquishment of the services by the workman. Their Lordships held that relinquishment or abandonment of service is always a question of intention, and normally, such an intention cannot be attributed to an employee without adequate evidence in that behalf. But where parties agreed upon the terms and conditions of service, and they are included in the certified Standing Orders, the doctrine of common law for consideration of equity would not be relevant. It is then a matter of construing the relevant term itself. Hence, under the first part of the relevant Standing Orders, an employee remaining absent for eight consecutive days without leave was to be deemed to have terminated his contract of service and thus relinquished or abandoned his employment, it was held that the fact that such absence is also a misconduct under the other Standing Orders would not affect this position, as it is not incumbent on the management to take recourse to the Standing Orders providing for disciplinary action for such absence on the part of an employee. But, admittedly, in this Company, there are no certified Standing Orders, and there is nothing to show that there is a term and condition of service that if an

employee, because of ill-health, certified by medical practitioners, is unable to attend, it would amount to abandonment of the services of the employee. On the contrary, in this case Shrimati Raman immediately informed the Company that she was unable to attend because of reasons of health, and applied for one month's leave, to recover from her illness and again resume duty. In my opinion, therefore, the decision in this case of Buckingham and Carnatic Co. Ltd. has no application to the facts of the instant case.

29. Shri Rele has next relied upon the case of Burn & Co. Ltd. and Their Employees (1957 1 LLJ, page 226 at page 234). In that case, one Ashimananda Bannerjee, an employee of the Company, was under detention under the West Bengal Security Act from 25th January, 1949 to 5th April, 1951. On his failure to attend, the Company terminated his services on 22nd April, 1949. In that case, it was held that as Bannerjee had been under detention, the Company could not, in the facts and circumstances of the case, continue to keep him in service, and that there was nothing to show that the action of the management in terminating his services was in the circumstances, punitive. But the facts of the instant case are entirely different. In that case, the workman was in the custody of the authorities, and could not possibly attend to his duties till the period of his detention was over. Here, the absence of Shrimati Raman was due to an illness certified to be so by her doctors, and who further certified that she would be able to return to service within a month's time, and in fact, she had applied for leave for that period. On the facts, there can be no application of the principles laid down in that case to the facts of the instant case. I do not accept Shri Rele's contention that this is a case where the Company had terminated the services of the complainant because of her failure to discharge her part of the contract of service, namely, to attend to her work. She had not been permanently disabled, but was stricken with an illness, which, according to the medical report, would have lasted at best for one month more, after which she would have been in a position to resume duty. As I have pointed out earlier, this employee had put in as many as 13 years continuous service, and if she was stricken by an illness which required a further one month's absence, the earlier absence having been condoned by its sanction, the action of the management in terminating her services must be considered to be punitive, in light of the conditions for sick leave applicable to her, and cannot be held to be discharge simpliciter on termination of the contract of service.

30. Shri Rele has next relied upon the judgment of Shri M. R. Meher, President, Industrial Court, Bombay, in Appeal (IC) No. 92 of 1964 in the case of Salik Ram, Bombay versus Shree Madhusudhan Mills Limited, Bombay. That was a case under the Bombay Industrial Relations Act of 1947, and it was an appeal against the order of the Labour Court in a case of a claim for re-instatement by the dismissed workman. In that case, the workman had been dismissed because he had been given low production, and his work was unsatisfactory over a long period. Several warnings had been given to him, and he had been suspended for such unproductive work over a long period. On these facts, applying the test laid down by the Supreme Court in the case of Tata Oil Mills, the learned Judge held that the action of the Company was *bona-fide* in order to protect its legitimate interests. The learned Judge disagreed with the earlier decisions of the Industrial Court, Bombay, which had held that even in the case where an employee's work was found to be unsatisfactory over a long period, only disciplinary action for misconduct must be taken. Here, there had been no warnings for any misconduct in the past, and if anything, the record of Shrimati Raman showed that her attendance had been exemplary, till she was taken ill from 2nd September, 1964.

31. Shri Rele has also relied upon a medical certificate dated 21st October, 1961, from Dr. R. Banerji, M.B. M.R.C.P. (London), D.T.M.S.H. (London) and M.R.C.S. (Eng.). In that certificate, Dr. Banerji had, after examining Shrimati Raman, expressed the opinion that she was suffering from a virus infection of the illness commonly known as Tropical Eusonophilla, which "if not amenable to the treatment, will lead to chronic asthma", and that she had been advised by him to report once a week for treatment, etc. He has argued that Shrimati Raman's ill-health dates from that date, and that her condition had been deteriorating since then, but there is nothing to show that that was so because she did not since that date take any considerable sick leave till the 2nd September, 1964, nor did sick leave and other leaves taken by her during 1961, 1962 and 1963 warrant this assumption. There is therefore, no satisfactory evidence of continuous ill-health, since 1961, as sought to be made out by Shri Rele.

32. Shri Nargolkar, the learned Advocate for the Union, has relied upon Item 1 in Schedule II to the Industrial Disputes Act, which has been added under the Industrial Disputes Amendment & Miscellaneous Provisions Act, 1956. That item reads as follows:—

“The propriety or legality of an order passed by the employer under the Standing Orders”

He has argued, relying upon this addition, that the tribunals and Labour Courts are now entitled to go into the question of rightful or wrongful dismissal, that is to say, on the question of the justification of the dismissal on the merits, and that the decisions of the Supreme Court relied upon by Shri Rele do not cover cases of wrongful dismissal. He has relied upon the language of Sec. 33A and has urged that under it the Tribunal has to adjudicate upon the complaint as if it were an industrial dispute, and therefore, it must necessarily decide the propriety or legality of the order terminating the service of the complainant. He has urged that necessarily therefore, the Tribunals after the amendment to the Act, now have jurisdiction to decide the question of propriety of an order of dismissal and that this aspect has not been considered in the decisions of the Supreme Court, referred to by Shri Rele. He has stated that under the B.I.R. Act also, the expression “propriety and legality” has been used, and that there were decisions of the Bombay High Court to the effect that the Supreme Court’s decisions referred to and relied upon by Shri Rele did not apply to that Act.

33. Shri Rele has referred to a decision of the Supreme Court in the case of the Chartered Bank, Bombay and the Chartered Bank Employees’ Union and another, reported in 1960 II LLJ, at page 222, which was given after the amendment to the Industrial Disputes Act in 1956 was carried out. The principle laid down in this case has been reiterated by the Supreme Court in the case of the Tata Oil Mill’s Company, to which I have referred earlier. No doubt, in that case, the action of dismissal was taken on 29th March 1957, after the amendment of 1956 came into force, but there is nothing to show that the Supreme Court had considered the effect of the amendment by the addition of Item 1 to Schedule II.

34. There seems to me to be substance in the contention of Shri Nargolkar, but it is not necessary to deal with it, because, in my opinion, the punishment of dismissal in this case must be held to be so severe as to suggest *mala-fide*, thus even otherwise justifying intervention by the Tribunal.

35. The Union has argued that this is a case of victimisation for trade union activities. In support, Shri Pillai, the Secretary of the Union, in opening the case, stated at the hearing that in June and July 1964, the workmen of the Company had been on strike for 25 days over the termination of the services of one Shri T. K. R. Pillai, an ex-group Secretary of the Union, and that since then, the management had adopted an anti-union attitude. Shri Pillai also stated that in 1959 there was a Charter of Demands submitted, and a settlement was reached which was due to expire in December 1963; that that settlement was terminated and a fresh Charter of Demands was submitted on the Company in February 1964, and negotiations had not resulted in a settlement, and that it was in this atmosphere that the Company took the severe action of dismissal against Shrimati Raman. But it was admitted at the hearing that Shrimati Raman was not holding any post in the Union, and she was not served with a memo of participation in the strike of June and July 1964. I, therefore, hold that the Union has failed to make out a case of victimisation for trade union activities. As rightly stressed by Shri Rele, a finding as to victimisation or *mala-fide* should be drawn only when there is strong evidence to justify it, as laid down in the case of Anand Bazar Patrika (Private) Ltd. and Its Workmen (1963 II LLJ, page 429—430). Whilst I hold that the Union has failed to make out a case of victimisation of Shrimati Raman for trade union activities, the Union has, in my opinion, established a case of *mala-fide* and colourable action under the terms of contract on the part of the management, for the reasons stated earlier by me. This would, therefore, bring the case within the exceptions prescribed by the Supreme Court in the case of Indian Iron & Steel Co. (1958 I LLJ, page 260—271) and in the case of Tata Oil Mills Co. Ltd. (2 S.C.R. 1963 page 125 at page 130) above referred to, and would justify the Tribunal interfering with the action of the management.

36. For the reasons stated above, I hold (a) that this is not a case of discharge simpliciter, but of dismissal for misconduct and, therefore, an application under Sec. 33 was necessary, and as the Company has failed to make such an application, there is a violation of Sec. 33 of the Act, and therefore, this complaint is maintainable, and (b) that, on the merits, the order of dismissal is *mala-fide* bringing the case in the exceptions of the Indian Iron & Steel Company’s and the Tata Oil Mills’ cases, and justifying the Tribunal in interfering with the action

of the management, and (c) that the order of dismissal was not justified, being *mala-fide*, and must be set aside.

37. In the result, I allow the complaint and hold that the dismissal of Shrimati Raman was *mala-fide* and was not justified by the merits, and the order of dismissal must be set aside. With regard to the relief, I think this is a fit case where Shrimati Raman should be directed to be re-instated in service, and considering all the facts and circumstances of the case, I think a fair order to make is to order Shrimati Raman back in service in her former post of comptist with benefit of continuity of service within one month from the date of this award, and the Company shall pay her wages for the period from the date of her dismissal, i.e. from 22nd October 1964, till the date of her reinstatement.

38. No order as to costs.

(Sd.) SALIM M. MERCHANT,
Presiding Officer.
[No. 74(2)/66-LRIV.]

ORDERS

New Delhi, the 26th February 1966

S.O. 678.—Whereas, an industrial dispute between the Reserve Bank of India and its workmen was referred for adjudication to the National Industrial Tribunal (Bank Disputes), Bombay and its award was published in the Gazette of India Extraordinary, Part II, Section 3, Sub-Section (ii), dated the 29th September, 1962, with S.O. No. 3031, dated the 22nd September, 1962;

And, whereas in, the opinion of the Central Government difficulties have arisen as to the interpretation of the said award in respect of the question specified in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sections 7-A and 36A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri J. K. Tandon as the Presiding Officer, with headquarters at Lucknow and refers the said question for decision to the said Tribunal.

SCHEDULE

Whether the relief awarded by the National Industrial Tribunal, in relation to accident leave, in para 20.13 of its award published in the Gazette of India Extraordinary Part II, Section 3, sub-section (ii), dated the 29th September, 1962, with S.O. No. 3031, dated 22nd September, 1962, is admissible to all class IV employees of the Reserve Bank who sustain injuries in the course of their duties or only to such employees of that class who are working on machines for punching or stitching of notes etc.?

[No. 55(85)/64-LRIV.]

S.O. 679.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Central Bank of India Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Jawan Singh Ranwat shall be the Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the management of the Central Bank of India Ltd., Bombay was justified in treating Shri J. R. Rathore as a temporary employee at their Jodhpur Branch from the 20th October, 1961 to the 8th January, 1963? If not, to what relief is he entitled?

[No. 51(64)/65-LRIV.]

New Delhi, the 28th February 1966

S.O. 680.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to M/s. V. S. Dempo and Company Private Limited Stevedore Marmagao Harbour and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay constituted under section 7A of the said Act.

SCHEDULE

To what relief, if any, the winchmen of M/s. V. S. Dempo and Company Private Limited, Marmagao who were on strike from 19th November, 1964 to 26th January, 1965 are entitled to in respect of the following:—

- (i) Their past service upto 18th November, 1964;
- (ii) Wages and other benefits from 27th January 1965 to the date they joined "Winchmen pool" of Marmagao Stevedores Association;
- (iii) Past accumulated leave.

[No. 28(9)/66-LRIV.]

S. A. SESHAN, Under Secy.

New Delhi, the 24th February 1966

S.O. 681/PWA/Sec. 7(3)/Rules.—In pursuance of sub-section 3(3) of section 7 and in exercise of the powers conferred by sub-section (3) of section 26, read with section 24, of the Payment of Wages Act, 1936 (4 of 1936), the draft of the following rules is published, as required by sub-section (5) of the said section 26, and notice is hereby given that the said draft will be taken into consideration on or after the 30th May, 1966.

2. Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government. Such objections or suggestions should be addressed to the Secretary to the Government of India in the Ministry of Labour and Employment, New Delhi.

DRAFT RULES

1. **Short title, application and extent.**—(1) These rules may be called the **Payment of Wages (Manner for excess Deductions) Rules, 1966.**

(2) These rules shall apply to the persons employed on railways, mines, oil fields and air transport services.

(3) They extend to the whole of India, except the State of Jammu and Kashmir.

2. **Definitions.**—In these rules,—

(a) 'Act' means the Payment of Wages Act, 1936.

(b) 'section' means a section of the Act.

3. **Manner of recovery of amount of deductions in excess of limits prescribed under sub-section (3) of section 7.**—Where the total amount of deductions which have to be made under sub-section (2) of section 7 of the Act in any wage period from the wages of any employed person exceeds the limit specified in clause (i) or, as the case may be, clause (ii), of sub-section (3) of that section, the excess shall be carried forward and recovered from the wages for succeeding wage periods in such number of instalments, not exceeding three, as may be necessary to enable the deductions to be made in compliance with the said limits.

Illustration.—The wages of a monthly rated employed person for January are one hundred rupees and deductions (which include deductions on account of dues of a co-operative society) amount to ninety rupees. His maximum deduction from the wages for January will be seventy five rupees. The excess amount of fifteen rupees will be carried forward and recovered in not more than three instalments by limiting other deductions for those months so that the total deduction does not exceed seventy five rupees in any month.

[No. 535(58)/65-Fac.]

VIDYA PRAKASH, Dy. Secy.

MINISTRY OF LABOUR, EMPLOYMENT & REHABILITATION*New Delhi, the 23rd February 1966*

S.O. 682.—In exercise of the powers conferred by sub-section (2) of section 26 of the Minimum Wages Act, 1948 (11 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 3079 dated 15th December, 1960, the Central Government hereby directs that the provisions of sections 13 and 14 of the said Act shall not apply to the employees working in vessels shore stations and survey parties under the Calcutta Port Commissioners in view of the fact that special regulations have been framed in respect of these employees for regulating their service conditions, for a further period of one year from the date of this notification.

2. The exemption granted in paragraph 1 above, is subject to the following conditions:—

- (i) the Port Commissioners shall publish the said regulations in a pamphlet form in the English language or languages understood by the majority of the employees;
- (ii) before making any amendment to the aforesaid regulations, the Port Commissioners shall inform employees concerned by notice, to be put up on the board, the proposed amendment and shall consider any suggestions that may be made thereto within 20 days of such notice; and
- (iii) a copy of the pamphlet referred to in clause (i) and a copy of every amendment thereto shall be supplied to each employee concerned.

[No. LWI(1)8(4)/65.]

O. P. TALWAR, Under Secy.

(Department of Labour and Employment)*New Delhi, the 28th February 1966*

S.O. 683.—Whereas the Central Government is of the opinion that having regard to the terms and conditions of service applicable to the employees in the Central Mechanised Farm, Suratgarh, it is not necessary to fix minimum wages in respect of such employees who are in receipt of wages in the time scales of pay approved by the Central Government and are governed by the provisions of Fundamental Rules and Supplementary Rules;

Now, therefore, in exercise of the powers conferred by sub-section 2(A) of section 26 of the Minimum Wages Act, 1948 (11 of 1948) the Central Government hereby directs that for a period of five years from the date of publication of this notification, all the provisions of the Minimum Wages Act, 1948 (11 of 1948) shall not apply in relation to the aforesaid employees in the Central Mechanised Farm, Suratgarh.

[No. LWI(1)8(3)/65.]

O. P. TALWAR, Under Secy.

(Department of Labour and Employment)*New Delhi, the 23rd February 1966*

S.O. 684.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Department of Social Security No. 6(27)/65-HI dated the 4th September, 1965, namely:—

In the Schedule to the said notification, against serial No. 17, the entries "Loni" and "Vijay Metal Industries" occurring in columns 3 and 4 respectively shall be omitted.

[No. F. 6/27/65-HI.]

S.O. 685.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts, having regard to the location of the factory in an implemented area, the Indian Medicine Pharmacy, Charminar, Hyderabad, from the payment of the employers' special contribution leviable under Chapter VA of the said Act for a further period of one year commencing from the 1st February, 1966.

[No. F. 6/5/65-HI.]

S.O. 686.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948, (34 of 1948), the Central Government hereby exempts, having regard to the location of the factory in an implemented area, the Sanitary Store Workshop of New Delhi Municipal Committee from the payment of the employers' special contribution leviable under chapter VA of the said Act for a further period of one year upto and including the 6th January, 1967.

[No. F. 6/2/65-HI.]

New Delhi, the 25th February 1966

S.O. 687.—Whereas in pursuance of clause (d) of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), the Government of the State of Kerala nominated Dr. V. S. Gopalakrishnan, Director of Health Services, Kerala, *vice* Dr. T. Bhaskara Menon, retired, and the Government of the State of West Bengal nominated Dr. B. C. Basak, Administrative Medical Officer, Employees' State Insurance (Medical Benefit) Scheme, West Bengal, *vice* Dr. N. C. Chatterjee, retired, as members of the Medical Benefit Council representing respectively the States of Kerala and West Bengal;

Now, therefore, in pursuance of the provisions of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendments in the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 2501, dated the 30th July, 1962, namely:—

In the said notification, under the heading "Members", and the sub-heading "[Nominated by the State Governments concerned under clause (d) of sub-section (1) of section 10]", for the entries against items Nos. 8 and 17, the following entries shall respectively be substituted, namely:—

"(8) Dr. V. S. Gopalakrishnan, Director of Health Services, Kerala State Trivandrum".

(17) Dr. B. C. Basak, Administrative Medical Officer, Employees' State Insurance (Medical Benefit) Scheme, West Bengal, Calcutta."

[No. F. 3(4)/66-HI.]

S.O. 688.—Whereas the Central Government has, in pursuance of clause (f) of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Dr. G. S. Melkote, M.P., Gopal Clinic, Narayanguda, Hyderabad in consultation with the Indian National Trade Union Congress, on the Medical Benefit Council, in place of Shri Ramsinghbhai Verma;

Now, therefore, in pursuance of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 2501 dated the 30th July, 1962, namely:—

In the said notification, under the heading 'members' and the sub-heading "[Nominated by the Central Government under clause (f) of sub-section (1) of section 10 in consultation with organisations of employees recognised by that Government]", against item (21), for the entry the following entry shall be substituted, namely:—

"Dr. G. S. Melkote, M.P., Gopal Clinic, Narayanguda, Hyderabad."

[No. F. 3/2/66-HI.]

ORDER

New Delhi, the 23rd February 1966

S. O. 689.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts for a further period of one year upto and including the 21st January,

1967 from the payment of the employer's special contribution leviable under Chapter VA of the said Act, every factory wherein ten or more persons are not employed or were not employed at any time during the preceding twelve months, by the principal employer directly or by or through an immediate employer, even though twenty or more persons are or were working in the premises.

[No. F. 6/8/65-HI.]

DALJIT SINGH, Under Secy.

(Department of Labour and Employment)

ORDERS

New Delhi, the 22nd February 1966

S.O. 690.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Hindustan China Clay Works and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal, with Shri V. V. Subramonia Iyer, Presiding Officer, with Headquarters at Kozhikode, and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

1. Whether the existing rates of wages and dearness allowance of the workmen employed in Hindustan China Clay Works, P.O. Pudukai Cannanore, District of Kerala State are adequate?

2. If not, whether the dearness allowance should be linked with the cost of living index and if so, in what manner?

3. To what rates of wages and dearness allowance are the workmen entitled and from what date?

[No. F. 24/4/66-LRI.]

S.O. 691.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the New Sinidih Colliery of Messrs. Bamandiha Coal Company Limited, Post Office Katrasgarh, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

I. Whether the action of the management of the New Sinidih Colliery of Messrs. Bamandiha Coal Company Limited was justified in suspending Shri D. P. Mitra, Register-Keeper, with effect from the 18th August, 1965 and in subsequently dismissing him from service with effect from the 18th October, 1965? If not, to what relief is he entitled?

II. Whether the action of the management of New Sinidih Colliery of Messrs. Bamandiha Coal Company Limited was justified in stopping Shri Fagu Rewani, Mining Sirdar, from work with effect from the 6th August, 1965 and refusing to provide employment thereafter? If not, to what relief is the workman entitled?

III. Whether the action of the management of New Sinidih Colliery of Messrs. Bamandiha Coal Company Ltd. in refusing work to S/Shri Butan Bouri and Janki Dusad, Boiler Attendants, with effect from the 23rd August, 1965 and 1st September, 1965, respectively, was justified? If not, to what relief are the said workmen entitled?

[No. 2/146/65-LR-II.]

S.O. 692.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bankola Colliery, P.O. Ukhra, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

(1) Whether the dismissal of Shri Maklee Ahir, Leader, with effect from the 14th May, 1965, by the management of Bankola Colliery, was justified?

(2) If not, to what relief is the workman entitled?

[No. 6/116/65-LRII.]

S.O. 693.—Whereas the Central Government is of opinion that in industrial dispute exists between the employers in relation to the Bhowrah Colliery of Messrs. Bhowrah Kankanee Collieries Limited, Post Office Bhowrah, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the dismissal of Shri Subedar Kurmi, Pick Miner, and Shri Jadunandan Dubey, Chute Operator, with effect from the 4th July, 1965 and 27th July, 1965, respectively by the Management of Bhowrah Colliery of Messrs. Bhowrah Kankanee Collieries Limited was justified? If not, to what relief are the workmen entitled?

[No. 2/17/66-LRII.]

New Delhi, the 23rd February 1966

S.O. 694.—Whereas by an order of the Government of India in the Ministry of Labour and Employment No. 24/4/66-LRI, dated the 22nd February, 1966, an industrial dispute between the employers in relation to Messrs. Hindustan China Clay Works, Nileshtar and their workmen has been referred to the Industrial Tribunal, Kozhikode, for adjudication;

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby prohibits the continuance of a strike in existence in the said China Clay Works in connection with the said dispute.

[No. F. 24/4/66-LRI.]

S.O. 695.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Power House, Jamadoba Colliery of Messrs. Tata Iron and Steel Company Limited, Jamadoba, P.O. Jealgora, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the dismissal of Shri Sheoji Choubey, Deaerating Plant Attendant, Power House, Jamadoba, by the Management of 6 and 7 Pits Jama-doba Colliery of Messrs. Tata Iron and Steel Company Limited with effect from the 14th June, 1965, was justified? If not, to what relief is the workman entitled

[No. 2/24/66-LRII.]

S.O. 696.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to 6 and 7 Pits Jamadoba Colliery of Messrs. Tata Iron and Steel Company Limited, Jamadoba, Post Office Jealgora, District Dhanbad, and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the dismissal of Shri Indar Ahir, Miner, 16 Seam, by the management of 6 and 7 Pits Jamadoba Colliery of Messrs. Tata Iron and Steel Company Limited with effect from the 29th September, 1965 was justified? If not, to what relief is the workman entitled?

[No. 2/20/66-LRII.]

New Delhi, the 24th February 1966

S.O. 697.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bhowra Colliery, Post Office Bhowra, District Dhanbad, and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of the Bhowra Colliery were justified in terminating the lcn on the appointment of Shri Dewan Pashi. Miner, vide their letter No. WON/OS/64/1202, dated the 3rd December, 1964? If not, to what relief is the workman entitled?

[No. 2/114/65-LRII.]

New Delhi, the 25th February 1966

S.O. 698.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bankola Colliery, P.O. Ukhra, District Burdwan, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

(1) Whether the dismissal of Shri Gurudn Prasad, Coal Cutting Machine Mazdoor, with effect from the 10th May, 1965, by the management of Bankola Colliery, was justified?

(2) If not, to what relief is the workman entitled?

[No. 6/115/65-LRII.]

S.O. 699.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Kendra Colliery of M/s. Samla Collieries Ltd. P.O. Pandaveswar, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management in placing Sarvashri Rakhal Jeswara, Timber Mistry and Pemai Chamar, underground loader on the Badli list with effect from the 11th May, 1965 and 18th May, 1965 respectively was justified? If not, to what relief are they entitled?

[No. 6/117/65-LRII.]

S.O. 700.—Whereas the Central Government being satisfied that the public interest so required had declared by a Notification made in pursuance of the provisions of the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), being the Notification of the Government of India in the Ministry of Labour and Employment, No. S.O. 2756, dated the 27th August, 1965, service in hospitals and dispensaries carried on by or under the authority of the Central Government, to be a public utility service for the purposes of the said Act for a period of six months from the 7th September, 1965;

And whereas the Central Government is of the opinion that public interest required the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said service to be a public utility service for the purposes of the said Act for a further period of six months from the 7th March, 1966.

[No. 1/2/66-LRI.]

CORRIGENDUM

New Delhi, the 22nd February 1966

S.O. 701.—In the Schedule to the Order of the Government of India in the Ministry of Labour and Employment No. S.O. 238, dated the 4th January, 1966, published at page 109 of the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 22nd January, 1966, in item (2),

for not,
read so.

[No. 2/140/65-LRII.]

H. C. MANGHANI, Under Secy.

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 19th February 1966

S.O. 702.—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee properties specified in the Schedule hereto annexed in the States of Delhi, Madhya Pradesh, Bihar and Orissa for a public purpose being a purpose connected with the relief and rehabilitation of displaced persons including payments of compensation to such persons.

Now, therefore, in exercise of the powers conferred by Section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquires the properties specified in the Schedule hereto annexed.

A SCHEDULE

All properties in the States of Delhi, Madhya Pradesh, Bihar and Orissa, which have vested in the Custodian under Section 11 of the Evacuee Interest (Separation) Act, 1951, as a result of adjudication by the Competent Officer under the provisions of the said Act upto 31st December, 1965, and in respect of which no appeals have been filed, and if filed, have been rejected by the Appellate Officer.

[No. 22(14)/Comp. & Prop/61.]

S.O. 703.—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee properties specified in the schedule hereto annexed in the State of Rajasthan for a public purpose being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore, in exercise of powers conferred by Section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquires the evacuee properties specified in the schedule hereto annexed.

A SCHEDULE

All properties in the State of Rajasthan which have vested in Custodian under Section 11 of the Evacuee Interest (Separation) Act, 1951, as a result of adjudication by the Competent Officer under the provisions of the said Act, upto 31st December, 1965, and in respect of which no appeals have been filed, and if filed, have been rejected by the Appellate Officer.

[No. 22(13)/Comp. & Prop/61.]

S.O. 704.—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee properties specified in the Schedule hereto annexed in the State of Punjab for a public purpose being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore, in exercise of the powers conferred by Section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquires the evacuee properties specified in the schedule hereto annexed.

THE SCHEDULE

All properties in the State of Punjab which have vested in the Custodian under Section 11 of the Evacuee Interest (Separation) Act, 1951, as a result of adjudication by the Competent Officer under the provisions of the said Act upto 31st December 1965 in which no appeals have been filed and if filed, have been rejected by the Appellate Officer concerned.

[No. 16(18)/58-Prop.II.Comp.]

S.O. 705.—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee properties specified in the schedule hereto annexed in the State of Rajasthan for a public purpose being a purpose connected with the relief and rehabilitation, displaced persons, including payment of compensation to such persons.

Now, therefore, in exercise of powers conferred by Section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquires the evacuee properties specified in the schedule hereto annexed.

A SCHEDULE

All properties in the State of Rajasthan which have vested in the Custodian under Section 11 of the Evacuee Interest (Separation) Act, 1951, as a result of adjudication by the Competent Officer under the provisions of the said Act, upto 31st December, 1965 and in respect of which no appeals have been filed, and if filed, have been rejected by the Appellate Officer.

[No. 22(13)/Comp & Prop/61.]

S.O. 706.—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee properties specified in the schedule hereto annexed in the States of Gujart, Maharashtra, Andhra Pradesh, Madras, Mysore and Kerala for a public purpose being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquires the evacuee properties specified in the Schedule hereto annexed.

A SCHEDULE

All properties in the States of Gujarat, Maharashtra, Andhra Pradesh, Mysore, Madras and Kerala which have vested in the Custodian under Section 11 of the Evacuee Interest (Separation) Act, 1951, as a result of adjudication by the Competent Officer under the provisions of the said Act upto 31st December, 1965 and in respect of which no appeals have been filed and if filed, have been rejected by the Appellate Officer.

[No. 1(27)/Comp. & Prop/61.]

A. G. VASWANI,

Settlement Commissioner & Ex-Officio.

Under Secy.

परिवहन मंत्रालय

(परिवहन पक्ष)

(व्यापारिक नौपरिवहन)

नयी दिल्ली, 25 नवम्बर, 1965

एस० ए० 707.—भारतीय व्यापार पोत (नाविक रोजगार कार्यालय, बम्बई) नियम, 1954 के नियम 5 द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुये, केन्द्रीय सरकार एत द्वारा इस अधिसूचना के जारी होने के दिनांक से दो वर्षों तक, बम्बई के पत्तन पर नाविक रोजगार मण्डल (विदेश जाने वाले) को निम्न सूचित सदस्यों से पुनर्गठित करती है, यथा:—

- | | | |
|--|-----------|--|
| 1. महानिदेशक, जहाजरानी, बम्बई | अध्यक्ष | } सरकार का प्रतिनिधित्व करने वाले सदस्य |
| 2. नाविकों के रोजगार कार्यालयों के कार्यभारी | उपाध्यक्ष | |
| 3. श्रम के उप आयुक्त (प्रशासन), बम्बई | | |
| 4. रोजगार के निदेशक, बम्बई | | |
| 5. निदेशक, नाविक रोजगार कार्यालय, बम्बई | सचिव | |
| 6. श्री जे० डब्लू० अन्सन | | } जहाज मालिकों का प्रतिनिधित्व करने वाले सदस्य |
| 7. कप्तान जे० पी० मेसन प्राइस | | |
| 8. कप्तान जे० एम० डब्लू० राविन्सन | | |
| 9. श्री टी० एम० गोकुलदास | | |
| 10. श्री टी० एम० संघवी | | |
| 11. श्री के० के० खादिलकर | | } नाविकों का प्रतिनिधित्व करने वाले सदस्य |
| 12. श्री आई० बी० सैयद | | |
| 13. श्री मोहदीन बाबा | | |
| 14. श्री एम० मोहदू | | |
| 15. श्री यू० एम० डी० अलमीदा | | |

नयी दिल्ली, 13 जनवरी, 1966

एस० ओ० 708.—भारतीय व्यापार पोत (नाविक रोजगार कार्यालय, बम्बई) नियम, 1954 के नियम 5 द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुये, केन्द्रीय सरकार एन० द्वारा भारत सरकार के परिवहन मंत्रालय (परिवहन पक्ष) की अधिसूचना संख्या एस० ओ० 3731 दिनांक 25 नवम्बर, 1965 में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में क्रम संख्या 2 में दी गयी इंदराज के स्थान में निम्न इंदराज रखा जायेगा अर्थात्:—

“जहाजरानी के उपमहानिदेशक, नाविकों के रोजगार कार्यालयों के कार्यभारी....
उपाध्यक्ष।”

[संख्या 15 एम० टी० (4)/65]

डी० एस० निमि,

भारत सरकार के उपसचिव।

DEPARTMENT OF COMMUNICATIONS

(P. & T. Board)

New Delhi, the 22nd February 1966

S.O. 709.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director-General, Posts and Telegraphs, hereby specifies the 1st March, 1966 as the date on which the Measured Rate System will be introduced in Darjeeling Telephone Exchange.

[No. 31/38/65-PHB.]

S. RAMA IYER,

Assistant Director General (PHB)

संचार विभाग

(टाक-तार बोर्ड)

नई दिल्ली, 22 फरवरी, 1966

एस० ओ० 710.—स्थायी आदेश क्रमसंख्या 627 दिनांक 8 मार्च, 1960 द्वारा प्रस्तुत लागू किए गए 1951 के भारतीय तार नियमों के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने दार्जिलिंग टेलीफोन केन्द्र में 1 मार्च, 1966 से प्रमापित दर प्रणाली लागू करने का निश्चय किया है।

[सं० 31/38/65-पी एच बी]

एस० रामा अय्यर,

सहायक महानिदेशक।

(P. & T. Board)

New Delhi, the 22nd February 1966

S.O. 711.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General Posts and Telegraphs, hereby specifies the 1st March, 1966 as the date on which the Measured Rate System will be introduced in Rampur Telephone Exchange.

[No. 5-2/66-PHB.]

S.O. 712.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General Posts and Telegraphs, hereby specifies the 1st March, 1966 as the date on which the Measured Rate System will be introduced in Bijapur Telephone Exchange.

[No. 5-11/66-PHB.]

New Delhi, the 25th February 1966

S.O. 713.—In pursuance of para (a) of Section III of Rules 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General Posts and Telegraphs, hereby specifies the 1st March, 1966 as the date on which the Measured Rate System will be introduced in Ferozepore Telephone Exchange.

[No. 5-7/66-PHB.]

S.O. 714.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director-General Posts and Telegraphs, hereby specifies the 1st March 1966 as the date on which the Measured Rate System will be introduced in Hissar Telephone Exchange.

[No. 5/10/66-PHB.]

M. P. SHUKLA,

Assistant Director General (PHB).

(डाक-तार बोर्ड)

नई दिल्ली, 22 फरवरी, 1966

एस० नो० 715.—स्थायी आदेश क्रमसंख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गये 1951 के भारतीय तार नियमों के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने रामपुर टेलीफोन केन्द्र में 1 मार्च, 1966 से प्रभाविता दर प्रणाली लागू करने का निश्चय किया है।

[सं० 5-2/66-पी० एच० बी०]

एस० नो० 716.—स्थायी आदेश क्रमसंख्या 627 दिनांक 8 मार्च, 1960 द्वारा लागू किये गए 1951 के भारतीय तार नियमों के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने बीजापुर टेलीफोन केन्द्र में 1 मार्च, 1966 से प्रभाविता दर प्रणाली लागू करने का निश्चय किया है।

[सं० 5-11/66-पी० एच० बी०]

नई दिल्ली, 25 फरवरी, 1966

एस० ओ० 717.—स्थायी आदेश क्रमसंख्या 627 दिनांक 8 मार्च, 1960 द्वारा लागू किये गये 1951 के भारतीय तार नियमों के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने फीरोजपुर टेलीफोन केन्द्र में 1 मार्च, 1966 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[सं० 5-7/66-पी० एच० बी०]

एस० ओ० 718.—स्थायी आदेश क्रमसंख्या 627 दिनांक 8 मार्च, 1960 द्वारा लागू किये गये 1951 के भारतीय तार नियमों के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने हिसार टेलीफोन केन्द्र में 1 मार्च 1966 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[सं० 5-10/66-पी० एच० बी०]

महेंद्र प्रताप शुक्ल,
सहायक महानिदेशक (पी० एच० बी०)

(P. & T. Board)

New Delhi, the 23rd February 1966

S.O. 719.—In exercise of the powers conferred by sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24, read with rule 34, of the Central Civil Service (Classification, Control and Appeal) Rules, 1965, the President hereby makes the following further amendments in the notification of the Government of India in the late Ministry of Communications (Posts and Telegraphs) No. SRO 620 dated the 28th February, 1957, namely:—

In the Schedule to the said notification,

- (1) in "Part II, General Central Service, Class III", for the heading "Savings Bank Control Organisation in Head Post Offices" the following heading shall be substituted, namely:—

"Savings Bank Control Organisation in Head Post Offices including Central Control Organisation".

- (2) In "Part III, General Central Service, Class IV",—

- (a) for the heading "Savings Bank Control Organisation in Head Post Offices", the following heading shall be substituted, namely:—

"Savings Bank Control Organisation in Head Post Offices including Central Control Organisation."

- (b) in the entries under the headings so substituted, in columns 2, 3, 4 and 5, after the existing entries the following entries shall be inserted, namely:—

2	3	4	5
Accounts Officer (in respect of Central Control Organisation).	Accounts Officer (in respect of Central Control Organisation).	All	Director Postal Services; Deputy Director

[No. 44/9/61-Disc.]

D. K. AGARWAL,
Asstt. Director General.